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Motions

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Volume V, Number VII

University of San Diego School of Law

February 11, 1992

Law Student Killed at General Dynamics

by Mary A. Smigielski

Michael Konz, a 25 year old second-year evening student, was shot and killed by a disgruntled employee at the Convair division of General Dynamics on January 24. Robert Earl Mack, 42, a former General Dynamics employee who had been fired for attendance problems, has been charged with his murder and the attempted murder of his supervisor, James English, 52.

On January 24, Mack went to the General Dynamics plant to attend a grievance hearing related to his termination. Konz, a human resource counselor, was acting as a labor negotiator during the hearing. According to witnesses, Konz and English left after the hearing and were walking to a courtyard at the back of the building when Mack caught up with them. Mack drew a gun and shot both men in the back of the head.

Konz died at the UC San Diego Medical Center and English remains hospitalized and is listed in fair condition.

Mack has pleaded not guilty to both counts.

Deputy District Attorney Robert W. Sickels is considering seeking the death penalty in the case.

Konz was remembered by fellow students as someone who was very disciplined, working long hours at his job while striving to be the best in law school. Konz was also remembered for his quick wit and sense of humor.

Many students attended two memorial masses held in Konz's honor and paid tribute to a friend they regarded as inspirational. The second mass was presided over by Konz's brother, Greg, a Jesuit priest.

Konz is originally from Phoenix. He graduated from Arizona State University with a degree in economics. He came to San Diego in 1988 to begin work with General Dynamics.

Friends of Konz have established a memorial fund in his name at the School of Law. Students hope to raise at least \$5,000 to endow the fund. The interest will be awarded as a scholarship to a student who possesses the qualities which best embody

Konz's spirit.

"Michael's friends wanted a tribute to what a good person he was, the way he worked hard, and to make sure he is remembered," Kathleen Quinn, Director of Law School Development, said.

Students who wish to make donations to the fund may contact Quinn or send their donation directly to: Michael Konz Memorial Fund, USD School of Law, Warren Hall 112, Alcalá Park, San Diego, CA 92110.

Students are saddened by the tragic death of Michael Konz.

Remembering Michael's zest for life has brought much of the student body together. On behalf of the law school community, the Student Bar Association extends its condolences to the family and friends of Michael.

Barkacs and Mehta Win Con Law Competition

by Laura G. Morton

Linda Barkacs and Dinyar Mehta took first place among the 29 teams that competed in the 1992 St. Thomas More Constitutional Law Competition held last week. Michelle Meissner and Bill O'Leary took second. Barkacs and Mehta will go on to represent USD at the Justice Roger Traynor Constitutional Law Competition which will take place at UC Berkeley in March.

Justice Edward T. Butler (ret.) of the Fourth District Court of Appeals, Professor Mike Kelly who serves as faculty advisor to the Moot Court Board, and Mark Siegel, Senior Associate at Grady & Farley judged the competition. Siegel will be the coach for the Traynor Team.

The final round was held last Friday in the USD Grace Courtroom with a reception immediately following. The winners of the

competition received a free Barpassers Course. John Ianneralli and Julie Westwater came in third, and fourth place went to Angie Bartosik and John McGowan. In addition, Paul Junge was named best oralist. The Best Brief (Petitioner) was written by Greg Stuman and Colin Adkins and the Best Brief (Respondent) was written by Chris Johnson and Richard Raynor.

The tournament was coordinated by Moot Court Board Member Steve Weisenberg. The problem concerned freedom of speech issues which arise when cities pass ordinances that prohibit nude dancing. Although competitors write a brief for only one side, they are required to argue both sides of the case in the oral rounds.

The problem for the Criminal Procedure Competition will be distributed on February 26.

Women in the Legal Field: How Do They Fare Today?

by Laura G. Morton

The sexual revolution has been quelled by AIDS; the empowerment decade for women has left many of them burnt out and feeling cheated, and Gloria Steinem has recently written a book on self-esteem in which we see the weaknesses of the woman long considered to be the leader in the quest for equal rights for women.

For years, many women and men have been speaking of the demise of the women's rights movement. Many younger females have not been as active although they are appreciative of the struggle their mothers and older sisters went through. However, recent events have brought to the forefront some of the problems which many women continue to face in their daily lives: sexual harassment, not enough child care options, and a lack of understanding of the stress that many women feel, having to be both homemaker and breadwinner. The legal profession, once the bastion of white males is changing as more and more women decide to become attorneys. Or is it?

According to Virginia Nelson, a USD

Alumni and past president of the San Diego County Bar Association, there has been some change, but the legal profession is still dominated by men and the rules of the game, created by men, have not changed.

"Some things have changed dramatically from 1979 when I graduated from law school," Nelson said. "People have gotten used to having and seeing women in professional roles."

Nelson pointed out, however, that bias and discrimination towards women still exists.

"The attitude towards women is getting better," she continued, "but discrimination is also getting much more subtle, when it exists, so that it is more difficult for women to combat."

A recipient of the USD School of Law Distinguished Alumni Award, Nelson is a sole practitioner specializing in medical malpractice. Nelson said she is happy with the progress women have made and believes it will continue to get better.

"Women are becoming more powerful within the profession so they are exerting more pressure for change," Nelson

Continued on page 6

ACLU President to Speak In Courtroom on March 16

Motions Staff

Nadine Strossen, president of the American Civil Liberties Union (ACLU), will speak at USD on March 16 at 4:30pm in the Grace Courtroom. Strossen is the first woman and the youngest person to serve as ACLU president. Currently a Professor of Law at New York Law School, Strossen has criss-crossed the globe giving lectures on a wide range of topics. She has made numerous television appearances. *The National Law Journal* included Strossen in its "Profiles in Power: The 100 Most Influential Lawyers In America".

Strossen has been very active in human rights organizations such as The Coalition to Free Soviet Jews and the Middle East Watch. She currently serves on the board of directors of the Fund for Free Expression and the National Coalition Against Censorship.

A prolific writer, Strossen has addressed such topics as freedom of religion, human



Nadine Strossen, ACLU President

rights, freedom of the press and employment discrimination. Forthcoming articles include: "Justice Harlan and the Bill of Rights" which will appear in the *New York Law School Law Review* and "Defining Civil Liberties" which will appear in the *Harvard Journal of Law and Public Policy*.

Strossen was the first American woman to win one of the Ten Outstanding Young People of the World Awards given by Jaycees International and she was named one of the Ten Outstanding Young Americans Award by the United States Jaycees. Past recipients of this award include John F. Kennedy, Henry Kissinger, and Orson Welles.

Strossen graduated magna cum laude from Harvard Law School and Phi Beta Kappa from Harvard-Radcliffe College.

Strossen's presentation is being co-sponsored by the SBA and Women's Law Caucus.

Looking for Romance?

Maybe the person of your dreams is looking for you, too! Check our Valentine's Day Personals, page 8.

1992 Jessup Team Prepares for Victory

by Mary Smigielski

While many students spent their Christmas vacation at home trying to recover from the torture of final exams, the four students who make up the 1992 Jessup International Law Moot Court Competition Team were hard at work. These students, Dyke Huish, Chris Miller, Laura Morton, and Troy Zander, quickly learned that their knowledge of the problem was limited despite having competed in the intra-school competition.

The Jessup Team, coached by Janet Richardson, is preparing for a win at the regional competition on February 21-22 at Hastings School of Law. The winner of the regional competition will advance to the April international competition in Washington, D.C. where they will compete against teams from around the world.

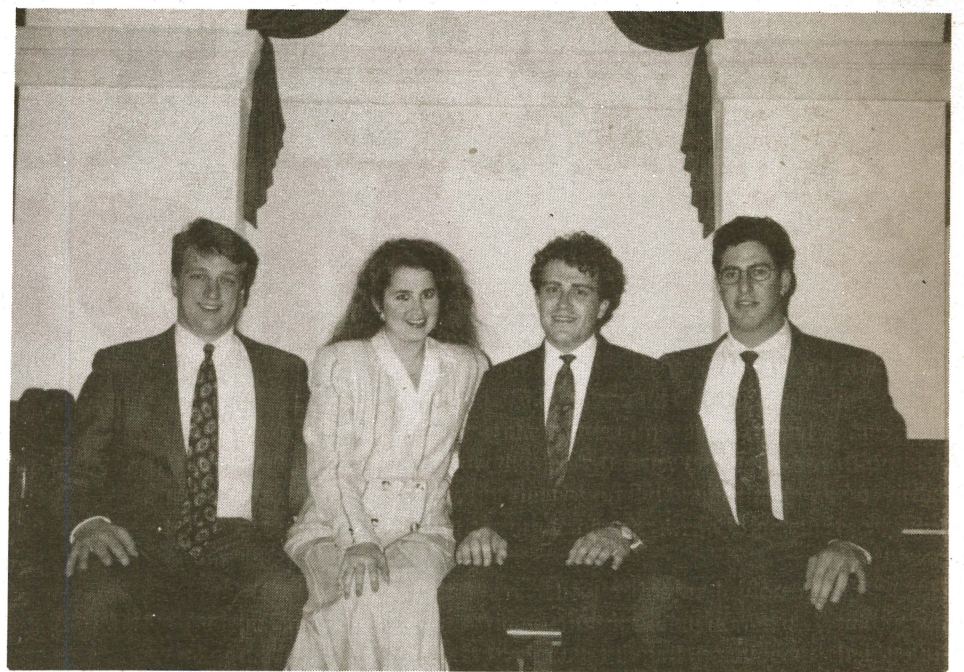
USD has a strong track record in the Jessup competition. Last year's team,

comprised of Janet Richardson, Kevin Childs, Kipp Williams, and Paul Katrinak, placed third in the world. In addition, Katrinak was chosen as best oralist in the world.

Being on the Jessup Team requires a tremendous time commitment but the members think it is well worth the effort. Valuable lessons can be learned; valuable knowledge gained.

"It is so hard for me to imagine that I am spending more hours preparing for this competition than I do in class," Morton said, "but it gives me great satisfaction to know that I can discipline myself and dedicate myself to something just for the pleasure of expanding my learning experience here at USD."

The problem for this year's competition is loosely based on the crises in the Persian Gulf and raises a range of issues from the use of force to prevent human rights



The 1992 Jessup Team, from left to right, Dyke Huish, Laura G. Morton, Christopher Miller and Troy Zander.

violations to economic interdependence. Team members research the issues on a daily basis and continually try to supplement their oral arguments with up-to-the-minute information.

Formal practice rounds are held twice a week and team members are required to approach the practices as they were the real thing. USD alumni act as judges critiquing everything from personal appearance to the substantive arguments. It is an arduous process which team members say only helps to enhance the learning experience.

"This gives me an opportunity to get an education that cannot be obtained in the classroom. In-class work is not reality; moot court competitions approach reality. By getting involved in Moot Court I am taking responsibility for my education," Zander said. "I refuse to sit idly by and let others direct my learning. So I don't."

Despite the long hours, team members agree that there is some fun to be had. According to Huish, while it is necessary to ensure that the formal process is followed, it is also important to enjoy the experience. Huish pointed out that when the team members are having fun they are much more relaxed and do better.

The entire team hopes that the hard work will pay off with a trip to the international competition. They realize that they must uphold the excellent reputation past teams have established for USD.

"We've spent three intense months learning and interpreting the international law of war, oil and human rights," Miller said. "While we have all made sacrifices for a strong Jessup Team, the long hours will pay off—I hope. I look forward to the competition at Hastings. We're going to win!"

CPIL's Model Anti-Secrecy Bill Squeaks through Senate

from the CPIL Office

Senate Bill 711—a model bill researched and drafted by USD's Center for Public Interest Law (CPIL)—narrowly passed the state Senate by a vote of 21-17 on January 30. The bill, which is being carried by Senate Judiciary Committee Chair Bill Lockyer, would prevent parties to litigation from entering into so-called "secrecy agreements," under which important information uncovered during litigation and relating to public health and safety may be secreted in sealed court files forever. SB 711 now moves to the Assembly where smoother sailing is expected.

As part of its general research and clinical efforts, CPIL has taken the lead in litigating and developing model statutes to encourage a more public form of government, often called "sunshine statutes." This particular bill would be a landmark step for California. Although court anti-secrecy laws have been enacted in two other states, and although the

keep closely held and controversial documents out of the public eye.

SB 711 would generally ban secrecy agreements in personal injury and wrongful death cases unless disclosure of the information would (1) violate constitutional privacy rights; (2) place in jeopardy "whistleblowers" who provide information to public officials; or (3) make public a privileged trade secret. Even if the court determines that one of these circumstances exists, it may not seal court records which reveal evidence of fraud, a defective product, or an environmental hazard without notifying the appropriate regulatory agency and the state Attorney General.

"America's courts are public, not private, institutions," says CPIL Director Robert C. Fellmeth. "The taxpayer pays for the judges and the court system to enforce our laws. This public judicial system should not be expropriated by private parties seeking to conceal public danger for their mutual benefit, which could lead to the prospective injury of the public at large."

SB 711, which is also supported by consumer advocate Ralph Nader, CalPIRG, Consumers Union, and numerous other public interest organizations, is a follow-up to the Center's sponsorship of Assembly Bill 2249 (Friedman), which was signed by former Governor Deukmejian in September 1990. That bill makes it a crime for a corporation or manager to knowingly fail to warn the appropriate regulatory agency and affected employees of a serious concealed danger associated with its product or operations.

One of the Center's primary goals is to make the regulatory function of state government more efficient, visible, and responsive by serving as a public monitor of state regulatory agencies. Through its student interns, CPIL monitors approximately 70 state agencies which regulate business, trades, professions, and the environment, and publishes a quarterly academic journal, the *California Regulatory Law Reporter*. In November 1990, CPIL was endowed by Sol and Helen Price, through a \$1.8 million gift which created the Price Public Interest Law Chair.

USD students enjoy the opportunity to participate in this unique program during their second and/or third years in law school. Watch *Motions*, *Sidebar*, and your mailboxes for more information on the Center and its spring orientation sessions for first-year students.

"In settling suits, GM has consistently used secrecy agreements to keep closely held and controversial documents out of the public eye."

San Diego County Superior court has adopted a local rule limiting such secrecy, CPIL's alternative goes further than other precedents in assuring public disclosure of non-privileged public court documents.

Secrecy agreements have become more and more commonplace as defendants in civil lawsuits, often manufacturers or large corporations, demand that files be sealed as a condition of settlement in order to protect themselves from widespread public exposure.

For example, according to the California Trial Lawyers Association, scores of victims of fiery car crashes have filed lawsuits against General Motors, alleging the auto manufacturer knew GM gas tanks were vulnerable to puncture during high-speed crashes. The victims say these fuel leaks were well-documented by the company, which estimated that the cost of fixing the tanks—from \$8.59 to \$11.59 per car—was too high. In settling these suits, GM has consistently used secrecy agreements to

INTENSIVE ADVOCACY PROGRAM both Pre-Trial and Trial Skills

The University of San Francisco School of Law announces a new comprehensive program of prelitigation and trial skills training. You will receive three units of credit for a comprehensive program of prelitigation and trial skills training over a two-week period (May 17-31, 1992). The program involves over eighty (80) hours of lectures, demonstrations and practice. You will have numerous opportunities to develop your litigation skills. There is *limited enrollment!*

Each student is videotaped and given extensive feedback and suggestions for improvements from experienced litigators.

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- interview clients
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- use discovery tools
- write & argue motions
- recognize evidence issues
- introduce documents
- prepare for trial
- gain self-confidence
- ask jury voir dire questions
- make objections
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- cross-examine witnesses
- use experts effectively
- make opening statements
- argue closing statements
- conduct a trial

Eligibility:

An evidence course is a prerequisite for admission (unless approved by the Associate Dean; preference will be given to students who have completed evidence). The cost for the entire program and materials is \$1595. Students who have completed a trial practice course are not eligible to enroll in this program.

For application and information call:

(415) 666-6361

USF School of Law, Intensive Advocacy Program, Kendrick Hall,
2130 Fulton St., San Francisco, CA 94117-1080

Question of the Month: Should *Roe v. Wade* be Overturned?

Helen Chao, 2L Day:

"Yes because it is too strict. However, *Roe v. Wade* could be overturned without completely eliminating the right to an abortion."

Larry Lucarelli, 2L Day:

"The decision rendered in *Roe*, like that in *Dred Scott*, was a disgusting abdication of the courts role to protect the rights of those who lack political power. In *Roe*, Justice Blackmun opined that the Court "need not decide the difficult question of when life begins" because a fetus is not a "person" under the 14th Amendment. It disturbs me to think that the Court can declare someone to be a non-person, and then stop states from preventing their vivisection."

Andy Selesnick, 3L Day:

"No. I think a woman should have the right to do whatever she wants to herself. And eight old men on the Supreme Court should not make that decision for her."

Adrienne Kusmire, 1L Day:

"No. The court made the correct decision. The federal government should preserve a woman's right to an abortion and not leave it to the states."

Prof. Alexander Explains Weak Links in *Roe v. Wade*

by Laura G. Morton

The debate on abortion and whose rights should prevail, those of the woman or those of the fetus, has been passionate ever since the Supreme Court handed down its decision in *Roe v. Wade* in 1973. The debate has taken place on many grounds, moral, ethical, medical, but few in the forefront of either side have looked at the Constitutionality of the Court's decision in *Roe*. The media have rarely asked legal scholars about the validity of the Court's opinion.

In the legal field, however, much has been written about the decision and, more importantly, the path the Court took in reaching the decision. Whether for or against the legalization of abortion, many scholars agree that there are some problems with the opinion of the Court in *Roe*.

Professor Larry Alexander, who teaches Constitutional Law, explained that there are

three weak links in the Court's opinion. Although it is unclear if the current members of the Court will overturn *Roe* based on these factors, it is important to understand, from a legal perspective, how the decision in *Roe* was reached.

The first weak link is the line of cases on which the Court relied in reaching its decision. Alexander says that the cases that existed at the time *Roe* was decided dealt with contraception and that the Court reformulated these cases to encompass abortion. The Court looked at them as cases covering the right to procreation generally. In addition, Alexander said that the jurisprudential status of these cases is questionable. Many of them have been criticized as having no basis in the language of the Constitution itself.

The second problem with the opinion in *Roe* is the viability lines Justice Blackmun drew. Many in the medical and legal professions believe that there is no scientific basis which corresponds to the lines drawn by Blackmun.

"The viability line is dependent upon human technology and choice," Alexander explained, "not on anything which is inherent to the fetus itself."

Alexander also pointed out that the significance of viability would actually be opposite to what Justice Blackmun argued in the opinion because viability indicates when it is permissible to remove the fetus from the womb because of its ability to survive.

The final weak link in the decision is that it did not decide the ultimate question of the fetus' moral status. According to Alexander, even if there is a privacy interest, the Court must still determine if there is a compelling state interest which would allow this right to privacy to be abridged.

"The state in *Roe* argued that they had the most compelling state interest: life," Alexander noted. "This requires that the court decide the status of the fetus in order to determine if a compelling state interest exists."

Alexander said that the question of whether a fetus is a being whose attributes suggest it deserves protection must be answered: "The question just cannot be ducked."

Supreme Court Attorney Predicts Cases

by Linda L. Barkacs

Frank Susman, prominent attorney from St. Louis, captivated his USD audience when he spoke on Friday, January 31. His visit was a rare opportunity for most law students—a chance to listen, learn, and ask questions of an attorney who has appeared before the U.S. Supreme Court dozens of times in the last 20 years.

Susman stated that the Court hears four cases per day. On one occasion in front of the Court, Susman argued two cases, completely unrelated, on the same day. As he argued the first of the two, then Justice Rhenquist inquired as to whether Susman felt it was "cruel and unusual punishment" to force an attorney to argue two cases in one day. Yes, Justices do have a sense of humor at times.

Susman also stated that it is a myth that only the most qualified advocates appear before the Court. Often a case starts in some small town and then "drags" the attorney along all

the way to the Supreme Court. Once there, however, the Court has very strict rules. You must stop speaking when the red light comes on, even if you are in the middle of a word. Furthermore, you may not evade a question.

Aside from explaining the procedural aspects of appearing before the Court, Susman made predictions concerning various decisions pending this term. Some of his predictions follow:

Jacobson v. United States: This case concerns a farmer in Nebraska whose name was found on a mailing list after a raid on an adult bookstore. The Justice Department began a 2 1/2 year undercover operation targeting the farmer. After receiving 12 government-initiated mail solicitations, the farmer subscribed to a magazine entitled "Boys Who Love Boys." Justice Department officials met him at his mailbox and arrested him as he attempted to retrieve his first copy. The U.S. Circuit Court of Appeals for the 8th Circuit confirmed the



Frank Susman

farmer's conviction. The issue here is entrapment—may government conduct a targeted, undercover operation when there is no reason to believe there has been any wrongdoing? Susman predicts that the

Continued on page 4

Women, How Do They Fare? Continued from page 1

explained. "The profession is definitely still dominated by men, but women are beginning to take a more predominant role."

In order to keep progressing, Nelson believes that women need to approach the legal profession with realistic expectations.

"Female law students need to keep in mind that the equality they experience in law school is not duplicated in the real world," Nelson stressed. "They need to understand that it will be more difficult for them than it is for men. It is not an even playing field, but because women are rarer in the profession, they do have a great opportunity to distinguish themselves."

Nelson also thinks that women need to recognize the importance of continuing their struggle for equality without coming across in a manner which might be detrimental.

"The battle is not over, but it does not need to be fought in an aggressive manner with a chip on your shoulder," Nelson counseled. "Women need to continue to be ever vigilant to make sure they are continuously well represented in the profession."

Sheryl King, class of 1986, an associate at Coughlan, Semmer & Lipman, is in a unique situation because she is involved in complex business litigation. Often, she is the only female in the room and this gives her a unique perspective on the changing role of women in the legal profession.

"Being a female attorney really cuts both

ways," King acknowledged. "It is true that there is still bias towards women out there but on the other hand many people often see me as being motherly. This works to my advantage because many times they open up and say things that they would never say to a male attorney."

King is delighted by the growing number of

women sitting on the bench in San Diego but she emphasizes that women still have a long way to go before being completely equal in the legal profession.

"Women are in a different position than men simply because of their overall role in society," King remarked. "They need to have a firm that will cut them some slack and

be understanding of the other parts of their lives."

The firm where King works is so enlightened and she hopes it is an indication of how things will be at other firms in the future.

"This is a great place to work because they understand that we are all human beings with many other responsibilities in addition to our jobs," King said. "I think that as the economic climate changes, the legal profession will be undergoing some drastic changes in the way it conducts business. It just is not good lawyering to have someone who is being worked into the ground."

Like many others, King is concerned that the influx of women into the legal profession will drive salaries down.

"In history, whenever women have entered into a certain field the salary goes down," King said. "It happened in teaching and nursing and I would hate to see it happen in the legal profession. It is unfair especially since women are just as capable as men."

Women in the profession will grow stronger because of their ability to relate to clients. King urged women to act professionally without losing their touch of humanity.

"As women the greatest asset we have is our ability to relate to others in a humane way," King advised. "When you are in the business of helping people that is the one thing that will distinguish you from others."

The following statistics were taken from *The National Law Journal's* biennial survey of women and minorities at the nation's 250 largest law firms.

	1991	1981
Percentage of female associates:	37	23.9
Percentage of female partners:	11	2.8
Percentage of female attorneys at all levels:	26.2	15.5

The National Law Journal pointed out that San Francisco has the highest percentage of female partners (13.6) and the highest percentage of female associates (45.2).

The top three firms in percentage of female partners are as follows: Anderson, Kill, Olick & Oshinsky P.C., New York (29); Kutak Rock & Campbell, Omaha Nebraska (23); Ross & Hardies, Chicago (23).

Interestingly enough, the only firm with no female partners, Curtis, Mallet-Prevost, Colt & Mosle of New York, was recently hired by the Senate to investigate the leak of Anita Hill's testimony to the FBI regarding alleged sexual harassment by Supreme Court Justice Clarence Thomas.

Have You Ever Wondered What Your Professors Are Doing When They Are Not in Class? Faculty Works

The School of Law Faculty has been busy these past few months working on various projects. The following information is from the *Faculty Newsnotes* newsletter edited by Debbie Gough.

Professor Larry Alexander: Completed a paper on "Inculpatory and Exculpatory Mistakes of Facts and Law," and worked on a major paper on the place of religious convictions in liberal theory and completed a first draft. He also finished a book review for *Constitutional Commentary*.

Professor Laura Berend: Wrote an article entitled "Proposition 115 Preliminary Hearings: I Heard It Through the Grapevine."

Professor Roy Brooks: Began research and wrote drafts of several articles, completed the final draft of a Civil Procedure Textbook, wrote teaching materials for civil rights, and wrote three book reviews. The review of Stephen Carter's book *Reflections of An Affirmative Action Baby*, appeared in the *Washington Post*.

Professor Kevin Cole: Drafted a proposed uniform act on civil forfeiture in drug offense cases and completed a book, with two co-authors, on the Federal Sentencing guidelines. (See the November 26 issue of *Motions*.)

Professor Robert Fellmeth: Drafted a bill regarding cable television regulation. The bill succeeded in legislative passage during the late summer. He also conducted an analysis of cable system contracts with multi-family dwelling arrangements.

Professor Ralph Folsom: Completed a Nutshell on EEC Law for West; a Connecticut Estates Practice volume on "Probate Litigation"; and a second edition of an IBT problem coursebook, documents supplement and teachers' manual by West.

Professor Steve Hartwell: Began a draft of an article on "Fostering Moral Development Through the Experiential Teaching of Professional Responsibility," and started an article regarding truthfulness in persuasive legal documents.

Professor Gail Heriot: Completed an article on statute of limitations and a book review of Posin.

Professor Michael Kelly: Completed a draft of an article tentatively entitled "The Phantom Reliance Interest in Contract Damages."

Professor Jack Minan: Co-authored an article on Article 2A of the Uniform Commercial Code which will be published in the Spring 1992 issue of the *Kansas Law Review*.

Professor Jean Montoya: Completed a draft of an article on shielding child witnesses from defendants.

Professors Grant Morris and Allen Snyder: Completed the first four chapters of a book (Stanley Stress). Professor Morris also gathered data for an article on incompetency to stand trial; and conducted hearings involving mental patients' competence to refuse treatment, writing case statements for each that summarize the evidence and the factors that influenced his decision.

Professor Mary Jo Newborn: Completed an article analyzing the question of whether or not corporate and partnership debtors should be entitled to damages under Section 362(h) of the Bankruptcy code which will be published in the *Annual Survey of Bankruptcy Law*. She completed an outline of a second article.

Professors Virginia Nolan and Ed Ursin: Worked on *Enterprise Liability, No Fault and Tort Reform: Basic Foundations*, and wrote a book review of Peter W. Huber's *Galileo's Revenge: Work Science of the Courtroom* for *Science* magazine. Professor Nolan also worked on course materials for Environmental Torts; Professor Ursin revised materials for his Tort Theory course.

Professor Maimon Schwarzschild: Did interviews in England about how the English legal professions have been affected by the Courts and Legal Services Act of 1990; he is working on an article on the same subject.

Professor Emily Sherwin: Completed a draft of an article entitled, "An Essay on Private Remedy."

Frank Susman Continued from page 3

Court will rule 5-4 in favor of the farmer.

Bray v. Alexandria Women's Health Clinic: Since *Roe v. Wade*, the Court has heard over 25 abortion cases, an unusually large number for one topic. *Bray* involves the issue of whether a conspiracy by Operation Rescue to block parking lots is a violation of travel. Susman predicts that the Court will rule 5-4 against Operation Rescue, not as a reflection of the Court's view on abortion, but rather due to their "law and order instincts."

Planned Parenthood v. Casey: In this case, the 3rd Circuit interpreted *Webster* as overruling *Roe* although *Webster* actually said the opposite (according to Susman, who argued the case for Planned Parenthood). There are three issues at stake: a 24 hour waiting period before receiving an abortion, informed consent, and a narrow emergency clause. Planned Parenthood won in the 3rd Circuit on the issue of spousal consent. Susman predicts a 7-2 decision against Planned Parenthood, thereby emasculating *Roe*.

Susman pointed out that there is more at stake in this case than the right to abortion. The decision may seriously erode the right to privacy, which would impact even the right to obtain and use contraceptives. Such an outcome, if it occurs, would mark the first

time the Court's view of a "fundamental right" has been reversed.

Hudson v. McMillan: The 5th Circuit overturned the conviction of prison guards who beat a chained and handcuffed prisoner. They found no 8th Amendment "cruel and unusual punishment" violation because the prisoner did not sustain permanent damages. Susman predicts the Supreme Court will overturn the 5th Circuit.

West v. Wright: This case will be "the final nail in the habeas corpus coffin," says Susman.

Other issues currently before the Court include the constitutionality of "hate crime" bills, whether the warning label requirements on cigarette packaging preclude civil lawsuits against tobacco companies, and whether the U.S. may offer a bounty to retrieve an accused murderer from Mexico.

Susman concluded by saying it was both an honor and somewhat awesome to argue before the Court. He believes, however, that the current Court cares little for the circumstance of the oppressed nor for individual rights. He quoted former Justice Marshall, who said upon his retirement, "Power, not reason, is the new currency of this Court's decision-making process."

Professor Steven Walt: Completed a review essay on Posner's *The Problems of Jurisprudence* for the *Texas Law Review*, and collected materials for a contracts book he has agreed to write for McGraw-Hill.

Professor Paul Wohlmuth: Presented a paper on contract at the summer meeting of the International Society for the Systems Sciences, in whose proceedings it has been published; and completed an article on "transitivity".

Professor Chris Wonnell: Completed an article exploring whether abstract principles from the common law of contracts should be superseded with specific rules in the area of labor relations.

Professor Fred Zacharias: Wrote an article entitled "A Critical Look at Rules Governing Grand Jury Subpoenas of Attorneys."

Faculty Forum Begins Tonight

Beginning tonight the faculty of the University of San Diego will host a series of discussions exploring "Peace and Justice in a Changing World." Panel discussions will occur on five consecutive Tuesday evenings during the months of February and March, and are free and open to the public.

7pm, Tuesdays, University Center Forum:

Feb. 11 "Negotiation and Mediation: Achieving Just Outcomes"
Dr. Briscoe, Prof. Schwarzschild, Dr. Pach

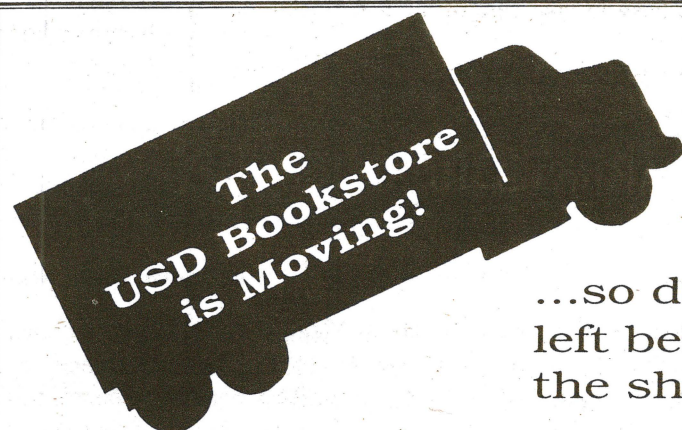
Feb. 18 "Revolution and Justice in Africa"
Dr. Pepper, Dr. Gump, Sr. Tumukunde, RSCJ

Feb. 25 "Peace and Justice in Latin America"
Dr. Schmidt, Dr. Mueller, Dr. Anderson, Fr. Espin

March 3 "Shifting Alliance in Europe"
Dr. Willoughby, Dr. Drinan

In Maher Hall:

March 24 "Prospects for Peace: The Role of the Media"
Dr. Dobkin, Dr. Kim, Dr. Rohatyn



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Retired General Norman Schwarzkopf, who commanded the troops during the Persian Gulf War, spoke at the Association of Southern California Defense Counsel's Annual Seminar in Los Angeles on January 24.

One Year Later: Student Expresses Gratitude for Wartime Support

by Laura G. Morton

One year ago the mood at the law school was somber. Students spent their break times glued to the television set in the Writs watching as America engaged in war. Many students had family and friends who were sent out to the Persian Gulf; others worried about the lives of American men and women whom they had never known. It did not matter if the students supported the war effort or not, there was always a concern for the troops.

Frank Tobin is a second-year student who is also a full-time reservist. While many here watched the war on their television sets, Tobin was in the desert. Currently a First Lieutenant, Tobin worked on the logistics aspects of Operation Desert Storm and was one of the thousands of people who involved in ensuring that ground troops had the supplies they needed. His specialty: water, an important resource in the desert.

While in the Gulf region, Tobin was grateful for the letters of support he received from everyone at the law school. Tobin stressed the importance of having received mail during the war for all the troops.

"It was nice to receive so many letters that were one-hundred percent supportive of all of us who were out there," Tobin said. "For everybody over there the biggest source of moral support came from the mail they received. It was very important to all of us to know that people cared."

In addition, Tobin was grateful for the way the law school administration and faculty cooperated in the days prior to his departure. Tobin praised the way the administration helped him to receive immediately a refund on his tuition and the approval of his leave of absence.

"From the beginning the administration did as much as they could to make my leave from the law school go as smoothly as possible,"

"Law school became something that was inconsequential"

Tobin said. "I can't stress enough on how much help and support I received from them."

Changing from law school student to full-time Army Lieutenant involved in a war effort changed Tobin's perspective. Law school became something that was inconsequential and relegated to the back burner. For Tobin, it was essentially a shift in his main occupation. If necessary he would do it again.

"I look at it as something which is a part of my job as a reservist," Tobin explained. "It is my job and my responsibility and I will do it again if I am called upon."

Tobin stated that the experience has also changed his approach to law school. Now he enjoys classes much more and thinks they are more interesting.

The experience was for Tobin a complete change from his life as a law student and he understands that many people are curious about what he went through. Tobin says he doesn't mind when fellow students ask him questions because it indicates to him that there is still strong interest and support. Tobin remarked that students who are curious should feel free to approach him.

"No question is stupid because other students have not been in the same situation," Tobin stated. "They don't have the same perspective that I do and if they ask, then maybe we can both learn something."

Tobin wants all the students and faculty to know that the time they took to show their support was very important to him. He analogized the situation to a football game where the home team does better because of the support they receive from the fans.

"The people back home had just as much to do with the success of Operation Desert Storm through their support of all the men and women in the military," Tobin said. "They should be very proud of themselves."

Speakers Honor Dr. Martin Luther King, Jr. During Law School Celebration

by Laura G. Morton

Jesse Jackson, Jr. captivated his audience when he spoke in Shiley Theater on January 21. Jackson addressed the need not only to keep the dream of Dr. Martin Luther King, Jr. alive but also to carry the torch farther down freedom's road.

"Dr. King died with his shoes on, moving forward and fighting for justice," Jackson said. "We need to keep on doing his work."

Addressing the plight of the American economy and the loss of the American dream, Jackson wondered where the leadership of the country is and why it is not addressing the issues which will relieve the nation of its pain. In addition, Jackson, a law student at the University of Illinois, condemned lawyers for their lack of participation in making this nation better.

"People are tired of lawyers because there are too many lawyers concerned about judgments instead of justice," Jackson stated.

Jackson challenged all lawyers to stand up for the rights of the poor and oppressed. He believes lawyers need to do more for the underprivileged.

"Our challenge is to develop an inner eye so that we can see their needs and not be too busy to take care of the least of these," Jackson added.

The problem, however, is not just within the legal profession but with society at large.

"American society has an enormous amount of wealth," Jackson noted, "but it is suffering from an enema of national will."

Comparing USD and the state of Arizona, Jackson lambasted the law school for not recognizing Dr. King, Jr. with a holiday.

Jackson pointed out that Dr. King stood for the rights of all oppressed people not just blacks.

"When he was killed, Dr. King was working in Memphis to organize poor, white garbage workers," Jackson explained. "Yet we have still not achieved the ideals that Dr. King was fighting for."

by Laura G. Morton

USD Alumni and former San Diego City Councilman Wes Pratt was only 17 years old when Dr. Martin Luther King, Jr. was killed. It was a tragedy which will forever be etched in his mind. Pratt spoke about Dr. King and the things he stood for on January 20 at the Opening Ceremony as part of the Martin Luther King, Jr. celebration.

"I was president of the NAACP Youth Chapter in my hometown at the time," Pratt reflected. "Attending his funeral was very important to me because of the deep feeling of loss I experienced when I realized that America was killing off those who had the best interests of America at heart."

Pratt recalled that he and his friends were involved in a car accident on the way back from the funeral. A farmer who saw the boys helped them out of the car but when they approached town he did not continue with them.

"That man was willing to help us out but he was not willing to be seen in public with four young black men," Pratt said. "The bias and prejudice of people is still there even when they are willing to help you."

It is an appropriate tribute to Dr. King's memory for each of us to continue to better the lives of everyone, according to Pratt.

"The best tribute we can pay to Dr. King is to provide the opportunities for today's young people to get ahead in life," Pratt said. "The importance of this day is not about ourselves but about what each of us does to improve the human condition."

Pratt asserted that it is necessary for each person to think about what they are doing in order to help others.

"We should all reflect on the current state of affairs and look at human relations and civil rights," Pratt counseled. "It is incumbent upon all of us to reach out to each other. Remember, each one, [must] teach one."

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What's Up for Grabs: Upcoming SBA Elections

by Miles Weiss
SBA Vice President

The annual spring Student Bar Association (SBA) elections are around the corner, so here's a list of what's up for grabs. Below, you will find a description of what each position entails, together with some comments from current officers of the SBA.

Declarations of Candidacy will be available later this month from the SBA and the tentative deadline for such declarations to be filed with the SBA will be Thursday, March 5 at 5pm. The other tentative dates are as follows: The campaign period will run from Monday, March 16 through Tuesday, March 24; elections will be held Wednesday and Thursday, March 25 and 26, with run-offs, if necessary, on Wednesday and Thursday, April 1 and 2.

So read up and take the plunge into law school politics!

President:

The following description of the SBA Presidency comes from the SBA President herself, Shawn Randolph: "The SBA President's duties are numerous, and as such, being President is a time consuming job. The position has both its benefits and its burdens. While it is often a thankless job, it can be very rewarding, and offers opportunities to effect change.

The President is responsible for being a spokesperson on many levels, including to the ABA, the University, and the Law School. First and foremost, it is the President's job to preside over council meetings. The President is an important link between the Law School Administration and the Student Bar. The President must communicate often with the Dean and the Administration to dispel rumors and facilitate matters affecting SBA.

Another large part of the job entails planning and organizing to ensure that the various SBA sponsored activities take place. This is perhaps the most time consuming part of the job. The first order of business is for the President to chair and coordinate the First-Year Orientation Program. The President appoints committees and chairpersons to be responsible for other SBA sponsored activities; however, the President is ultimately responsible for making sure they go as planned and remain within the budget. Some examples are: the SBA Retreat, First-Year Mentor Program, SBA Picnic, Halloween Party, and Law Revue (talent show). The President serves on the elections committee and the budget committees, and acts as a liaison to the Pro Bono Advocacy Board.

The SBA by-laws provide that the President shall appoint members to the Speaker's Bureau, the Graduation Committee, the Calendar Committee, and a student to serve on the University Social Issues Committee. The President also nominates replacements for vacant class representative seats, and participates in and appoint members to the Dean's Student Advisory Council. As well, the President has the privilege of sitting as a Board member of the Law Alumni Board of Directors, representing student views to the alumni and serving on the Student Relations Subcommittee.

One of the greatest opportunities the President's job offers is participation as a delegate in the ABA's Law Student Division. The SBA funds four trips per year for the elected ABA Representative and the SBA President to attend the national and circuit meetings. As a delegate, the President has a voice in policy-making concerning issues affecting law students across the country.

The conferences are a wonderful place to make contacts and friends. Finally, the SBA President is in a unique position to effect change both within and without the law school. Projects that I felt were important included working toward improving access for students with disabilities, improving the First Year Orientation process, facilitating the Martin Luther King, Jr. Celebration, and improving the internal organization of the SBA. Each President, in a sense, chooses his or her own agenda for these types of pet projects by identifying a need and working to fulfill that need.

The job does offer the potential to affect change and personal growth, and to meet and work with many motivated people both nationally and in the law school. I encourage anyone with a lot of motivation and energy to run for the position. Good luck!"

The President's stipend is equal to one-half of the cost of tuition, or roughly \$7,000 for the 92-93 academic year.

Vice President, Day Division:

The day division Vice President is elected by a majority of the day division law students. The position has many important duties. First, the Day VP must perform, in the President's absence, all duties of the President. Another primary responsibility of the Day VP is to write and post the agenda for the periodic SBA meetings. This usually entails a weekly executive meeting with the other SBA officers to discuss important issues that need to be addressed at the next meeting. Here, the Day VP must balance the interests of many individuals, student groups and the students as a whole in planning an efficient agenda that will best accommodate all interests. Further, there are other minor duties outlined in the by-laws of which the Day VP must be aware, including aiding organizations in the recognition process, maintaining files on changes in student organizations, and accepting resignations and reporting them to the council. Finally, the Day VP has the opportunity to really get involved in the daily activities of the law school via participation in various committees and organizations. Such committees include the SBA Elections, Budget and By-laws Revision Committees, and the Graduate Student Association.

I've had a great time in this position and have gained valuable experience in the process. It's definitely been worthwhile.

One of the benefits of holding this or any other executive office (other than President) is a \$910 annual scholarship, which may be increased slightly for the 1992-1993 school year.

Vice President, Evening Division:

This position is held by an evening student who is elected by majority vote of all evening

students. Included in this position is the responsibility to perform, in the absence of the day division Vice President, all of the duties of that Vice President. A key role of the Evening VP is to fully represent the unique concerns of the evening division students. Often, these students not only work full time, but also attend classes four nights a week. With schedules such as these, most evening students do not have the time to invest in many student activities that occur during the day. Thus, the Evening VP insures that there are opportunities for evening students to participate in law school events whenever possible.

John Sullivan, current Evening VP, had this to say about the position: "An important function of Evening Vice President is to act as a liaison with the evening reps and evening students to insure that their needs and concerns are addressed by the SBA and the law school administration."

Treasurer:

The SBA Treasurer is the key to one of the SBA's main functions: fiscal management of student funds. To this end, the Treasurer is responsible for coordinating the fall and spring budget hearings and allocations. Once the SBA passes the proposed budget, it is the Treasurer's responsibility to allocate funds to various organizations and to maintain the SBA financial records so as to be able to report on both the financial condition of the SBA as a whole and the amount of funds allocated to the organizations that have yet to spend. A portion of the Treasurer's job involves balancing the books, issuing checks and filing necessary tax forms. The office of SBA Treasurer is an important position that offers the opportunity to expand from the basics and play a major role in SBA and student affairs.

According to Rosa Linda Hanau, SBA Treasurer, "Being treasurer can be a rewarding experience if you're organized and can handle dealing with numbers. During the budget hearings at the beginning of every semester, it can get hectic because a lot of people are relying on you for information. Overall, though, it's been a fulfilling experience to work with the other officers and the SBA as a whole."

Secretary:

The SBA Secretary is responsible for taking minutes at each SBA meeting and for providing copies of previous minutes for approval at SBA meetings. The Secretary plays an active role on the budget committee in that he or she is to make notations on the budget request forms that explain the budget committee's logic in arriving at the final amount of each allocation. The Secretary often handles taking attendance at SBA meetings as well as preparing and distributing phone rosters. The Secretary is also responsible for maintaining and providing the following to the public upon request: the SBA bylaws; the Diary of Regulations; all Resolutions; failed Resolutions, regulations, amendments, and initiatives. In addition to these basics, the Secretary also has the opportunity to participate on various committees, such as: Orientation, Elections, Graduation and Social Issues. This is a position where one can become actively involved in the law school community.

Anyone considering running for this position should feel free to talk with Shirvan Sherma, the current SBA Secretary.

Class Representatives:

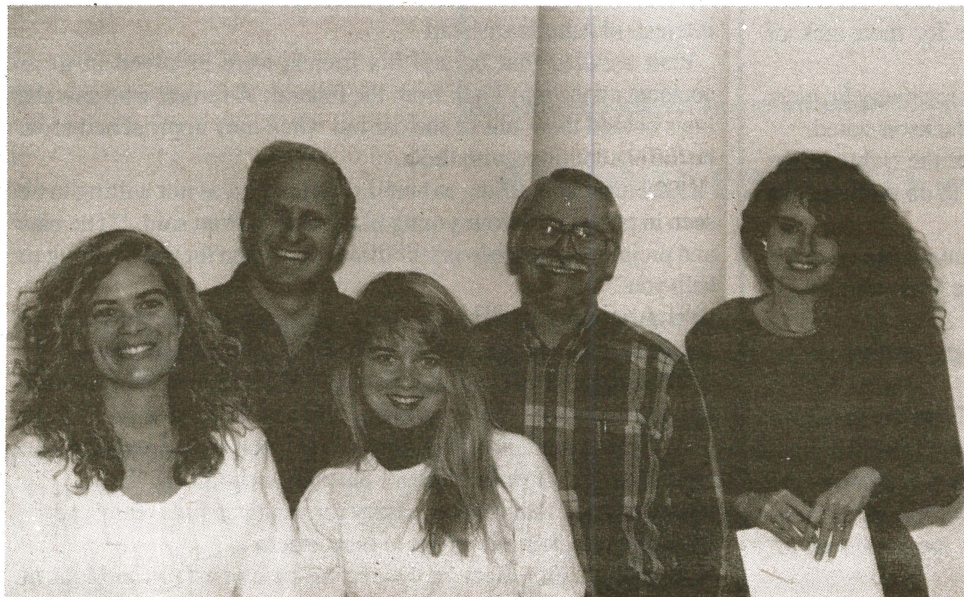
Class representatives are the vital link between the SBA and the law school student body. Thus, the main function of a class representative is to act as a liaison between these two groups. Specifically, the elected class representative needs to be known and available to his or her classmates, so the students can bring important issues to the attention of the SBA. Also, the class representative needs to actively disseminate information to the law school student body about upcoming events, activities and issues. Often, representatives are asked to make announcements in various classes before instruction begins. Beyond these responsibilities, class representatives are highly encouraged to get involved in at least one SBA committee, such as the Halloween Party, Elections, or Budget Committee. Attendance at the fall SBA Retreat is also a responsibility of each class representative. Although representatives do not receive monetary compensation, the experience can lead to holding other SBA offices and is usually a great way to meet other active law students who want to make a positive impact upon our law school careers.

There are three class representatives who will be elected from each of the current first and second-year classes. They will serve next year as second and third-year representatives. In addition, one representative is elected from each of the current first, second and third-year evening classes, who will serve as next year's second, third and fourth-year evening class representatives.

This is a great way to get involved with law school activities and represent your classmates on important issues facing law students today. Current class representatives are as follows: Third-year representatives Elizabeth Scott (evening), Marty Kovalsky, Charlene Galanek, Noelle Dela Rosa; second-year representatives Shawn Skillin (evening), Danny Rodriguez, Sonia Church, and Robert Chong; first-year representatives Julia Ramirez (evening), Scott Savary (Section A), Brad Fields (Section B) and Greg Schulman (Section C); and fourth-year evening representative Doug Foss.

American Bar Association Law Student Representative (ABA Rep):

This person serves as a liaison between the ABA Law Student Division and the SBA, while enjoying the privilege of representing USD on the national and state level via travel to various conventions and meetings held by the ABA. This is a relatively new position that was created during the 1990-91 school year and thus offers room for creative input and expansion by someone who is interested in joining both the SBA and the ABA. David Gurley was recently nominated to this position, to replace Carl Starrett. If confirmed, Gurley will represent USD in the SBA spring convention at the University of Hawaii School of Law.



The current SBA officers, from left to right, President Shawn Randolph, Vice President Miles Weiss, Secretary Shirvan Sherma, Evening Vice President John Sullivan and Treasurer Rosa Linda Hanau.



What They Asked For:

The total amounts requested by each student group is reprinted below. In addition, SBA allocated \$2,000 for a graduation party, \$1,500 for the transition period before the fall budget is approved, and is keeping \$2,500 in reserves to cover any unforeseen expenses. If you would like further information, please contact the Motions office at ext. 4343.

Amounts Student Organizations requested:

BALSA	400.00
APALSA	579.15
Speakers Bureau	600.00
Motions	1286.04
ABA Rep	424.00
Christian Legal Soc.	600.00
Federalist Society	576.00
La Raza	618.00
GALLSA	585.00
Delta Theta Phi	550.00
Loan Repayment	378.16
M.H.P.I.L.F.	725.00
ELS	1065.00
Phi Alpha Delta	1511.00
Comparative Law	1070.00
Jewish Law Students	2040.00
Phi Delta Phi	2215.00
Intl. Law Society	855.00
Thomas More Soc.	2717.00
Moot Court	3055.00
Women's Law Caucus	1675.00
The Journal	4100.00
Intramurals	3065.00
Social Issues	560.00

SPRING 1992 SBA BUDGET ALLOCATION BREAKDOWN

JEWISH LAW STUDENT ASSOCIATION

Speaker: Strashower	\$150.00
Misc. Expenses	\$40.00
Friday mixer	\$50.00
Speaker: Rothman	\$500.00
	<u>\$740.00</u>

P.D.P.

Membership meeting	\$50.00
Misc. Expenses	\$40.00
Barristers Ball: \$1200.00	
D.J.	\$500.00
Photographer	\$500.00
Taxi Service	<u>\$200.00</u>
	<u>\$1290.00</u>

INTERNATIONAL LAW SOCIETY

Reception	\$150.00
Speaker Event	\$200.00
Kegger	\$90.00
Operating Expense	\$40.00
Newsletter	<u>\$15.00</u>
	<u>\$495.00</u>

THOMAS MORE SOCIETY

Newsletter	\$75.00
Organizational Meeting	\$150.00
Joint Meting with CLS	<u>\$100.00</u>
	<u>\$325.00</u>

MOOT COURT

WOMAN'S LAW CAUCUS

Presentation Seminar	\$875.00
Speaker Fees	\$500.00
2d Speaker Fees	\$275.00
Advertising	\$100.00
Speaker: Strossen	\$250.00
Self Defense Wkshop	<u>\$250.00</u>
	<u>\$1375.00</u>

JOURNAL OF CONTEMPORARY LEGAL ISSUES

INTRAMURALS

(on hold until more info is obtained)

BALSA

Conference Fees	<u>\$300.00</u>
	<u>\$300.00</u>

APALSA

MLK Day Reimburse	\$186.00
Team Building	\$44.00
Misc.	\$40.00
Chinese New Year	<u>\$110.00</u>
	<u>\$380.00</u>

SPEAKER'S BUREAU

Six Speaker's Gifts	\$300.00
Misc. Expenses	<u>\$50.00</u>
	<u>\$350.00</u>

MOTIONS

Windows	\$135.00
Access Memory	\$185.00
Addition Memory	\$298.00
Kegger	\$50.00
Misc. Expenses	<u>\$40.00</u>
	<u>\$708.00</u>

A.B.A.

Airfare re: Conference	\$319.00
Lodging	<u>\$105.00</u>
	<u>\$424.00</u>

CLS

Misc. Expenses	\$40.00
Seminar	\$100.00
Spring Retreat	<u>\$100.00</u>
	<u>\$240.00</u>

FEDERALIST SOCIETY

National Conference	\$126.00
Speaker	<u>\$250.00</u>
	<u>\$376.00</u>

LA RAZA

MLK Reimb. re: essay	\$306.00
Host Conference	\$112.00
Speaker Panel re:	
Human Rights	\$100.00
Misc. Expenses	<u>\$100.00</u>
	<u>\$618.00</u>

GALLSA

Speaker	\$300.00
Misc. Expenses	<u>\$100.00</u>
	<u>\$400.00</u>

DELTA THETA PHI

Conference	\$150.00
Chocolate/Champagne	\$150.00
Misc. Expenses	\$40.00
Informational Meeting	<u>\$50.00</u>
	<u>\$390.00</u>

LOAN ASSISTANCE REPAY PROGRAM

Misc. Expenses	\$100.00
Answering Machine	\$58.00
Reimburse: postage, etc	\$36.00
File Cabinet	\$100.00
Raffle	<u>\$50.00</u>
	<u>\$344.00</u>

MHPILF

Pub. Int. Career Forum	\$150.00
Pledge Drive	\$125.00
Services Auction	\$100.00
Operating Expenses	<u>\$225.00</u>
	<u>\$305.00</u>

ENVIRONMENTAL LAW SOCIETY

Filing Cabinet	\$100.00
Public Interest Day	\$165.00
Misc.	<u>\$40.00</u>
	<u>\$305.00</u>

P.A.D.

Summer Seminar	\$157.00
Volleyball	\$500.00
National Convention	<u>\$300.00</u>
	<u>\$957.00</u>

COMPARATIVE LAW

Speaker Forum: North	
American FTA	\$250.00
Atty Panel Discussion	\$250.00
Misc. Expenses	<u>\$100.00</u>
	<u>\$600.00</u>

Total Amount Allocated: \$ 16,521

Lookin' for Romance? Maybe It's Here...

To My Honey!!

Even though others may not always recognize your brilliance and your beauty, remember that I always have and always will. You're all mine on Feb. 14 and forever.
Love, Me

Billy Clinton:

I'd send you a Valentine card, but I'm kinda low on cash. You'd be surprised by how little \$150,000 buys in 1992! I sincerely hope that you win the presidency 'cause I know I'd be on Dennis Miller or Arsenio Hall, for sure. So good luck.
Gennifer Flowers

Kily at the UC:

Congratulations on your new baby girl!
Motions

Theresa in the Dean's Office:

This school and this paper could not function without you. Keep up the good work!
Motions

Mary:

Do you really think anybody knows the impact this paper has on our social lives?
Your Partner in Crime

Clarence Thomas:

The most appropriate gift we can offer you this holiday is the gift of knowledge. Since you claim to have never heard of Roe v. Wade, we'd like to tell you it's a 1973 case that made abortion a federally protected right.
The ACLU

Stefy Wefy Cohn,

You lushus piece of Manhattan thunder,
Your BVD's I long to plunder.
Your dreamy eyes just make me wonder,
If you'll throw up on my shoes.
Smooches! Your little Dumpling Pie

To Oliver Stone,
Thanks for the roses. Oh, by the way,
have I got a sequel idea for you. Call me.
Jackie O.

Sweetie:

I promise not to say a word about anything law-related all night if you promise to...
Mr. Happy

To the World's Best Strip Poker Player:

How 'bout if we try strip backgammon next time?
Love, Naked and Chilly

Baby:

Lets leave the books behind and just get NAKED!!!
Love, your "Sugar Daddy"

To Dean Strachan:
I will love you forever if you don't raise the tuition next year.
Christopher J. Harris

Dear Big Monkey,

Thanks for the best 5(+) years. Happy Valentine's Day. Looking forward to August 1st!! And "92" is my year. I love you, "cuz" I'm bigger.
Love, Senore Matteo

To My Mickey Mouse:

Mucho Amor now and always. This will be the best Valentine's day ever. Mushi Mushi.
Your Gigante Amor

To Madonna:

I pray to my Lucky Star that you will make my Valentine's Holiday and be my Material Girl. Please Justify My Love.
Hollywood

My Wonderful Pooky Bear:

As graduation approaches I just want you to know that I could never have made it without all your hugs and late night back rubs.
"Honey Lips"

Mr. Sliwicki:

It has recently come to my attention that you are not completely pleased with my copious schedule and inattentiveness to your case. I would like to thank you for your patience and assure you that your situation is utmost in my mind. Pursuant to our agreement, I will spend this weekend giving you my extremely undivided attention.
Ms. Morton
P.S. I Love You!! Don't forget the champagne.

Janet Madden:

Congratulations on the newest addition to your family! We promise to try and take up less of your time so you can spend more of it with your grandchild.
Your Faithful Students

Dahling:

It's a marvelous night for a moon dance, with the stars up above in your eyes. Fantabulous night to make romance, beneath the cover of February skies. Can I just make some more romance with you, my love?
Me

The ULTIMATE Bar Review: Speaking of Romance . . . How Inhibited Are You?

Cafe Lulu, Gaslamp, 437 F Street

Hollywood: The most romantic place in all of the Gaslamp to gaze into the eyes of your Valentine. Candlelight casts a pleasant warm glow over Cafe Lulu and avant garde flower arrangements decorate the bar and grow from the walls. This is not a stand and schmooze bar; the layout consists exclusively of small tables, perfect for couples to enjoy an intimate evening. Also, there is no age limit here, so those of you with underage friends (Ian, Dave) can still make the in-scene and imbibe without worry. Drink the fruit of the vine, (no cocktails are served here) or sip Evian or cappuccino.

If the night is warm, or is decorated with a full moon, definitely come here because it is one of the few places in town with an outdoor patio. Its wrought iron fences, tables and chairs always remind me of the French Quarter of New Orleans. If I spend my Valentine's evening at the opera, Mozart's Marriage of Figaro plays at the San Diego Civic (\$8 public rush), you may see me here enjoying their after-the-theatre deserts which are quite tasty, although somewhat overpriced.

Gringo's Recrudescence:

Oh YUCK! First of all, dear Reader, go back to our first issue and rehash over my opinion of Ole Madrid: this opinion will not only warn you about Hollywood's Pick of the Month, but all the rotten things I said apply equally to the Cafe Foofoo--they're neighbors. And I wish Hollywood would quit with that "romantic" and "candlelight" talk--I mean, after all, we go there with each other to evaluate these places!!

Now, Cafe Doodoo may look harmless from the outside, or even from the inside, but BEWARE. The atmosphere at Cafe Booboo leads inexorably to the Hollywood pass-time of going places "to see and be seen." While this may seem innocuous, it leads to devastating elitism, snobbishness, wasted lives, and, yes, the rebirth of Communism. Let us never forget that Communism, socialism, and in fact most isms, were created and nurtured in cafes just like this one. The decor is even subtly industrial to make you feel like one of the down-trodden peoples but in reality you become part of an anti-intellectual social click espousing ideas and ideals to the rhythm of bongo drums in smokey rooms. Soon you'll want to free someone from something or rebel against society or become Democrats. Avoid this place like holes in the ozone, like taking classes from Professor Alexander, like Reaganomics.

Japengo, La Jolla Hyatt Hotel, 8960 University Center Lane

Hollywood: A most exquisite bar in a most elegant setting which will create a most exciting, exhilarating evening. Enchant your Valentine's date by taking them here. Park on the street, admire the glowing fountain, transverse the magnificent, larger than life geometric shapes, marvel at the classical statues and enter into the spectacle of Japengo.

The ethereal music of the Cocteau Twins or Jean Paul Jarre and minimalist lighting help create the exotic and enticing ambience of Japengo. This ultra modern, incredibly hip tiki bar is the place to go to see and be seen in San Diego.

The clientele here is very hip and very beautiful and surprisingly convivial. The guys who frequent this establishment belong to the blazer and jeans set. Fortunately, not all of them have long hair. The women are, as a rule, ravishing and older than twenty-one. (I can't believe I've never seen Mary here.) Indeed, at Japengo a gentleman may wear a tuxedo and a woman may dress in an evening gown and fur and not feel out of place. If one is not so blessed as to have a Valentine, one may find one here, for the bar scene is very happening.

Japengo originally made its reputation as a Sushi bar. Although I've yet to dine here, if the cuisine is as delicious as the popularity would indicate, an amazing culinary experience awaits. Go on Valentine's Day evening and wear red. You may see me there. No sangria here, so order a Manhattan, a red colored cocktail served in a Martini glass made with Bourbon and red vermouth. If that elixir proves to be too stiff, I recommend your Valentine Cocktail be either White Zinfandel wine or a Cape Cod (vodka and cranberry juice) each refreshing as well as "red."

If I get on Studs, one of my dates will certainly be here.

Sorry sweetie, the black and purple just didn't do it! Eds.

Gringo's Reprise: As I sit here nursing the flu and reading Hollywood's usual tripe, I can't help feeling that I'm better off sick at home than at that hole Japengo. We went with his sister so I called her last night to confirm my nightmares of the place. Aside from the decor, the service, and the clientele, the place probably isn't too bad. Of course, we didn't actually sample anything but the decor, the service and the clientele so it's hard to say! As always, Hollywood has lived in a dream world of his own creation, imagining the obnoxious to be "out-going," the boring to be "cool," and the nouveau riche to be "elegant." It's gotten so frustrating that I'm not even going to fix his grammar mistakes for him this time!

Meanwhile, at the bar:

1. Decor: cheap pseudo-Japanese garbage hanging on the walls; trust me on this one--I lived in Japan when I was in the service. As if we don't have enough trouble with the Japanese assaults on our economy, people have to pretend the Japanese know how to party? Or even decorate? The highlight of any REAL Japanese bar is the karaoke machine (ain't they fun?) and they didn't have one (thank goodness; Hollywood would have been singing "Volare"). For party-time, Japan sucks, and so does the decor at Japengo.

2. Service: embarrassing. My most vivid memory of this danceless disco was when my sake glass had a big lipstick smudge on it. Now, these things happen, so I went to the bar for a replacement. The bartender looked at the glass, grabbed a new one (it was even clean), and then just dumped the old sake into the new glass!!! What a pig! Where did they train that chimp? I pour my hard-bought wine into a filthy cup, good-naturedly show him the problem, and he pours this contaminated wine into a new cup!? Disgusting.

3. Clientele: always the worst part of any Hollywood pick, these people were no exception. Regardless of how you may feel about fur (that is, the senseless murder of dozens of small mammals just to provide a way to display how much money you have to waste) you would still be offended by the San Diego tradition of breaking out the tortured dead animal clothing every time the temperature drops below sixty. Full of assumed airs and postures, these people would be very much at home with all manner of serial killers.

In summation: avoid it like a midnight stroll in Balboa Park, like a silicone implant, like a David Duke rally.

Hollywood's Recommendation for Valentine Raging: Ole Madrid, Gaslamp, 435 F Street

It has come to my attention that there are a few lost souls who have yet to catch the BAR REVIEW tip. For you I will repeat myself and round out my Valentine's Day recommendations with my most favorite, Ole Madrid. First and foremost, get here early. Arrive by 10pm; otherwise, the doorman won't be able to let you in because of the crowd. Don't lie and say you have a table, it's already been tried and he won't believe you.

Ole Madrid has retained its loyal following because no place else matches its mystique for licentiousness or fashion. Without a doubt, this is where the stylish crowd rages. No other place in town has the reputation for licentiousness or fashion. Sport your Mizrahi or Armani, purchase your pitcher of Sangria and enjoy the flirtatious atmosphere. Don't be surprised to find yourself serenaded by the lyrics of Volare or grinding to the latest in house music. Also, when U2 is played, the lights are dimmed and the patrons hold up their lighters for a very spiritual affect.

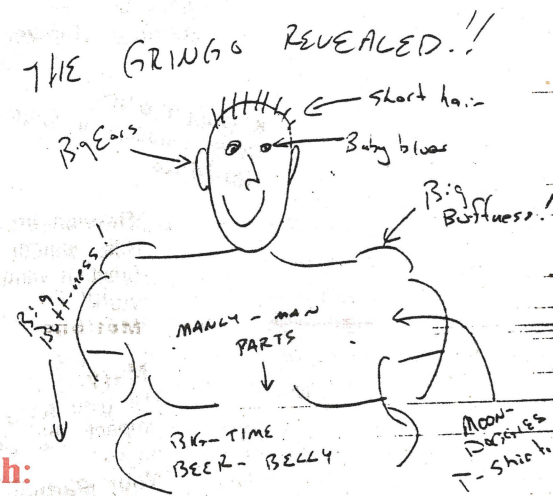


Hollywood

Gringo

Gringo's Pick of the Month: Blind Melons, Pacific Beach

Now here's a bar for a manly man. Situated in the coolest part of town, it has a manly collection of brews and bodacious music. Sadly, there is often a cover charge required in order to indulge yourself in their outstanding tuneage, as provided by some of the hottest R&B bands in the burg, in addition to more standard favorites and Gratefully Dead sound-alikes. For the connoisseur, they have Moosehead on tap--or at least I seem to remember that it was Moosehead, but my roomie bought so much of it for us that this is a somewhat strained memory. There's pool and cool video games and always a large collection of babes and bikers and boozers for your entertainmentness. By all means, go there for fun and fine, fine music.



MOTIONS TOP TEN

Top Ten People We'd Like to See Teach at USD:

1. David Duke: Civil Rights Litigation
2. Saddam Hussein: Public International Law
3. Clarence Thomas: Sexual Discrimination
4. Jeffrey Dahmer: Scientific Evidence
5. Bill Clinton: Family Law--Marital Relationships
6. Deng Xiaoping: Human Rights Law
7. Donald Trump: Bankruptcy
8. Betty Broderick: Law and Mental Disorder
9. Richard Nixon: Professional Responsibility
10. Ronald Reagan: Law and Economics

The Sexy, Surprising Secrets of *Studs* and their Women

by Dallas O'Day

A few days ago I went, along with my roommate and a small corps of bachelors from the San Diego area, to the Mission Beach Red Onion. Our journey (at the ungodly hour of 10am) was sparked by the prospect of appearing on the television show *Studs*. OK, laugh all you want at the idea of someone like myself appearing on the show. The funny thing, however, is the process.

I went to the (Sp)Red Onion dressed in jeans and a green turtleneck. As I really wasn't taking this thing too seriously, I didn't see any reason to dress to the nines. But others clearly did not agree. My roommate, for example, was clad in a purple and black ensemble that made me wish that the human eye could only see things in black and white. Some other clown was wearing a coat that belonged in either Kool Moe Dee's "Wild

Wild West" video or on a Brat Packer in "Young Guns." All in all, it did seem appropriately cheesy, especially since the R.O. is notorious as the cheese headquarters of San Diego.

Upon entering into the travesty that is the Red Onion, we all filled out information sheets. Height, weight, eye and hair color--the important things in life. At the bottom of the page was something that surprised me. It asked us for our educational background. One thing I have noticed about *Studs* is that few of the guys (and even fewer of the girls) appear to have I.Q.'s above room temperature. Instead, there seems to be an emphasis on 1) burly guys, 2) rocker types, and 3) surfer dudes. While there are many exceptions to the general proposition that these types of men haven't enough brain activity to generate a squiggle on an EEG, my suspicion that the proposition was true was confirmed

during the next stage of the process.

The next step in the process consisted of standing in the middle of the group and answering questions from the interviewer, during which time other *Studs* flunkies scribbled things down about the interviewee. Most of the questions involved recent dating experiences and ideal women.

As you can guess, I lied a lot.

The fun part in all this was listening to my fellow *Studs* hopefuls discuss what attracts them to women first. Hair seemed to be number one, followed by such standards as "face," "eyes," "ass" and "hardbody." I would have liked to have tossed in "brainless" and "slutty appearance" for some of these guys, who seemed to lack the ability to speak in complete sentences.

Such an ability was apparently not in high demand, however. Neither my roommate nor I were chosen. Also deemed lacking in

the studly department were the SDSU ya-hoos. The chosen few included a couple of burly guys, the guy with the kooky coat, a rocker dude who looked as if he hadn't eaten within the last few months, and a couple of other clowns with the Steven Seagal look comprised of long, slicked-back hair in some semblance of a pony tail. There was also an aspiring boxer with the usual moniker of Achilles.

As compensation for having the courage to show up and embarrass ourselves, we were given a couple of free passes to the R.O. I think I would have preferred to work out, but if I ever get a hankering for a 37-year-old divorcee, then I'm sure that I will make use of these passes. I think that a classmate of mine, a burly guy with a prehistoric conception of women, could make it on this program. Talk to me, Jercules!

First La Raza Scholarships Awarded to Students

by Jack V. Bournazian
Treasurer, La Raza

Congratulations to Nieva Kelly and Gary Talavera as the first awardees of the La Raza Law Students Association Scholarship. The effort to establish a scholarship fund was headed by La Raza members Rosa Linda Hanau, Lorena Castro and Claudia Gacitua who worked hard last year organizing the first La Raza Scholarship Banquet.

The fund raiser was heavily attended by members of the San Diego La Raza Lawyers Association and USD faculty, staff, and students. Over \$1,600 was raised; \$1,000 was reserved for start-up costs for the September 1992 Banquet and \$600 was disbursed in two awards of \$300 each. With this year's start-up costs already covered, the fund should more than double with the fall banquet.

Applicants to the La Raza Scholarship must be first-year law students and members of the La Raza Law Students Association. To apply, students must complete an application form and submit a personal statement and two letters of recommendation. Applications are evaluated based on financial need, past economic or social disadvantage, and commitment to community service. The Scholarship Committee was impressed with the high quality of all the applicants and astonished by the lack of funding granted them by USD. Most of the students are overly dependant on loans and forced to work to supplement their income while trying to make it through their first year.

La Raza Law Students believes these scholarships are extremely important because the Law School cannot benefit from an increase in the diversity of its student body if diversity students have difficulty staying in school due to financial hardships.

SBA Proposed Resolution

The following Resolution was proposed by SBA Vice President Miles Weiss at last Wednesday's SBA meeting. It will be further discussed and voted on at the SBA meeting on Wednesday, February 12 at 5pm in Fletcher A. All interested parties should attend and voice their opinion.

PROPOSED RESOLUTION

WHEREAS the solicitation or otherwise seeking of student organization endorsements by candidates running for SBA positions has historically caused much controversy and been a source of conflict during the Spring SBA campaign period, and

WHEREAS such controversy and conflict inevitably casts doubts upon the fairness and impartiality of the Spring SBA election process,

IT SHALL BE RESOLVED THAT candidates running for any SBA position in the Spring semester elections shall not solicit, seek, or otherwise attempt to secure any public or private endorsement by any student organization for that candidate's election to office. Be it known that this resolution does not prevent student organizations from endorsing any candidate via a decision to do so made according to that organization's voting procedures. Be it also known that violation of this resolution will be considered a violation of election rules and procedures, as published in the SBA by-laws, and subject to the penalties available under those by-laws, including disqualification for a material violation of the election rules. The decision whether a violation of this resolution is material, is to be made by the election committee that is administering that election.

The next issues of *Motions* will come out on March 31. All submissions are due in the *Motions* mailbox by 5pm on March 23.



Gary Talavera and Nieva Kelly, Recipients of the La Raza Scholarships.

Better grades. Less work.

If you want to be a top law student
you need to know how to apply the
principles of law to the facts of a case.

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and easy-to-understand. Use them with your
casebooks or hornbooks to reduce your study time
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Students enjoy beer and friends at the International Law Society kegger.

LRC Acquires Early Brit Reporter

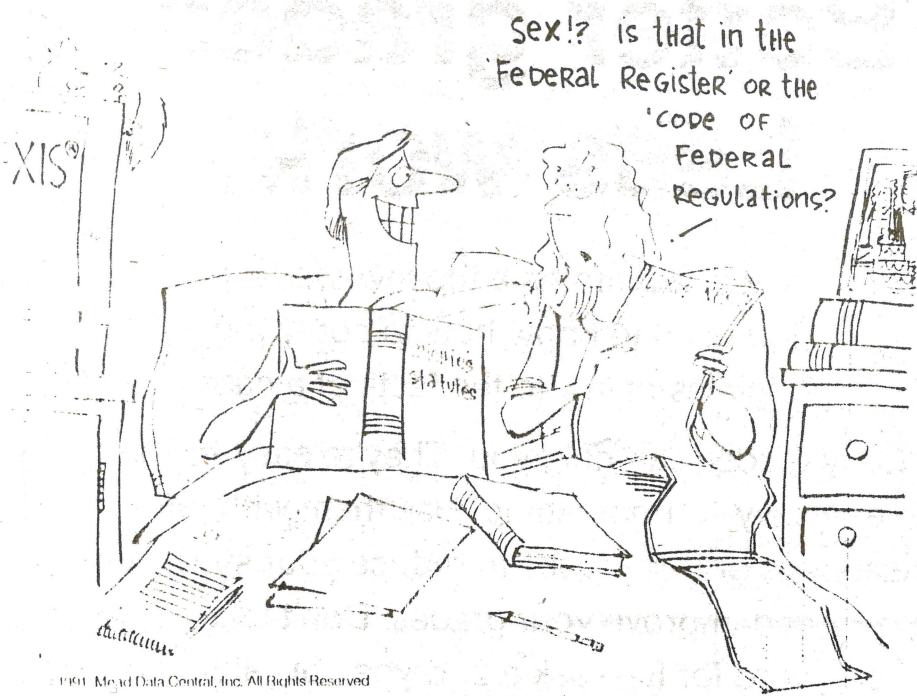
by Michael White
Law Reference Librarian

The Legal Research Center has just acquired the complete collection of *Howell's State Trials* (KD 270.H65). This extremely fascinating case series examines British State Trials, proceedings for high treason, and other crimes involving important human rights.

The preface to the first edition, originally printed in the year 1719, describes the rationale for the report as follows: Since "potent malice, or prevailing faction, have too often attempted the most consummate merit" those cases which show how "life, honour, and innocence are to be defended" should be compiled for study. The 33 volume set begins with the year 1163, covering the proceedings against Thomas Becket, Archbishop of Canterbury, for high treason, and ends in the year 1820, with the case of William Davidson and Richard Tidd also for high treason.

Scholars of U.S. Constitutional Law will be interested in the case of *Entick v. Carrington*, 19 How. St. Tr. 1029 (1765), which has been cited as influential in the creation of the Fourth Amendment of the United States Bill of Rights. Similarly the case of *Rex v. Zenger*, 17 How. St. Tr. 675 (1735) which will fascinate anyone interested in the history of freedom of speech.

Howell's State Trials cases also encompass the reports of the divorce of Catherine of Arragon; the trial of Sir Thomas More for high treason in denying the King's Supremacy; the trials of Queen Anna Boleyn and her brother Lord Viscount Rochford for high treason; the case of James Sommersett, who sought freedom from slavery in 1771; the trial of Sir Walter Raleigh for high treason; and many other stellar cases.



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More Hall PIL Foundation Sponsors Student's Dreams

Robert Chong

What is M.H. PILF?

More Hall Public Interest Law Foundation (PILF) is an organization dedicated to the promotion of public interest law through summer internships. PILF encourages interested students to actively seek summer employment in various agencies specializing in public interest law. PILF's contribution is a summer grant to qualified applicants which helps to pay for their summer expenses.

This past summer, I received a half grant to work in the Asian Pacific American Legal Center in Los Angeles. The Legal Center caters to the needs of indigent Asians in the southern California area. The Legal Center handles cases of spousal abuse and family matters, as well as aiding clients involved in landlord/tenant disputes, immigration problems, and civil rights disputes, including language rights and discrimination.

As an intern, my duties included client interviews to determine eligibility and need, assisting clients in completing pleadings and appearing in court to assist Pro Per clients in TRO hearings, child custody disputes and immigration hearings. In addition, I helped research the law for a suit against the Los

Angeles Police Department (LAPD), charging LAPD for their disparate hiring practices against Asian applicants.

On one particular occasion, I had the opportunity to work closely with a pro-bono attorney in a child custody case. Together we assisted a Vietnamese woman in obtaining custody of her infant child after husband and his family had beaten and tied her up, then had her arrested on trumped up charges of grand theft. The woman spoke limited English and had little money. After reclaiming the child, I assisted the attorney in defending the mother's falsified criminal charges and preparing her child custody papers.

The grant from PILF helped pay for my summer expenses with some money left over for the school year. PILF funds the internship program via contributions from students with traditional summer clerkships, who pledge a day's pay to supplement PILF grant recipients. More Hall PILF will be having their annual pledge drive from April 6-10 to raise money for this year's grants.

Applications for this summer's grants will be taken in March. Those who are interested should think of an agency where they would like to work this summer and begin drafting a proposal.

WLC Plans Active Semester

by Linda Bell
Women's Law Caucus

The Women's Law Caucus has had an active spring semester. Regina Petty, a partner at Gray, Cary, Ames and Frye, spoke on "Minorities and Women in the Legal Profession" as part of the Martin Luther King, Jr. week celebration. Also, we were pleased to be able to assist BALSA in bringing Jesse Jackson, Jr. to USD. On January 31, Frank Susman spoke on "The Supreme Court: What Does the Future Hold?" Mr. Susman, an attorney who has appeared before Supreme Court numerous times, gave his top predictions for pending Supreme Court cases.

We have an even more active semester ahead of us. We will hold a general membership meeting today at noon and tomorrow at 5pm. Current members and those interested are encouraged to attend. We will discuss future events, board positions for next year and we will be selling Women's Law Caucus T-shirts and sweatshirts. Please attend and bring your suggestions!

On Saturday, February 22, the Women's

Law Caucus hosts a presentation seminar. All students are invited to attend at no charge. The seminar will have two halves. The first half will be "How to Dress Like an Attorney." This segment will focus on men and women's wardrobe selection, colors and accessories specifically tailored to the legal profession. The second half will be "How to Talk Like an Attorney." This segment will discuss voice, body language, and overall image. Lunch will be provided. This is a great opportunity to pick up some pointers before spring interviews!

At the end of February a task force meeting will be held for the Women's Resource Fair. The Women's Law Caucus is excited to be involved in this special community outreach project. The Fair, an all-day event for homeless and battered women, is sponsored by Legal Aid, Volunteer Lawyers, the San Diego County Bar Association and the Lawyer's Club. Homeless and battered women are invited to get legal, medical and job information. They are also offered showers, makeovers and clothing to improve their self-esteem. If you would like to become involved, call extension 4345.

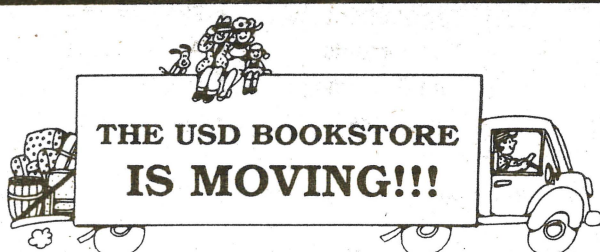
Elections Continued from page 6

Honor Court Justices and Counsel:

There are three student justices elected to hear all complaints based on a violation of the Honor Code. Two alternates and a Preliminary Examiner are also elected. The Preliminary Examiner is responsible for making a preliminary investigation of any complaint to determine if further action is warranted. Finally, an Honor Court Counsel acts as a prosecutor and is responsible for gathering evidence in all matters of alleged breaches of the Honor Code. As stated in the Honor Court Code, the Honor Court "[H]ears and considers all complaints brought before them, to make a determination of guilt or innocence and (to) impose or recommend sanctions in appropriate matters." If you are interested in running for Honor Court Justice, Preliminary Examiner, or Honor Court Counsel, you may wish to speak to Warner Broadus, Vince Rabago or Cheryl Forbes, all of whom currently hold office in these positions.

On a final note, there is quite a bit of positive energy exerted by people at this school who care about the quality of our lives as law students at USD. Moreover, there are plenty of great projects and events that could be very rewarding to those who now choose to participate. Holding office in one of these positions is an excellent way to become more involved. So, instead of complaining about the number of parking spaces no more than 100 feet from your destination, you should consider becoming a part of the solution to such problems. At least take the time to sample the huge variety of extracurricular activities that are available to you not only through the SBA, but through the great number of active, conscious student organizations that make up this place where we'll spend three years of our lives.

Happy Valentines Day!



GIANT SIDEWALK SALE
FEBRUARY 17, 18, AND 19!!!

Prices Slashed

to reduce inventory!

USD BOOKSTORE
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Mon - Thurs 9:00 - 6:00
Fri 9:00 - 4:00 Sat 9:00 - 2:00

Pro Bono Starts New Program

Motions Staff

The newly instituted Pro Bono Legal Advocacy Board in cooperation with the San Diego Volunteer Lawyer Program has initiated the Domestic Violence Prevention Project. Students will participate in the downtown clinic, which services 6,500 victims of domestic violence per year, by assisting victims in obtaining temporary restraining orders and ejectment orders. Program directors hope to institute a method of assigning students to assist the individual victim throughout the duration of each case.

The program will be implemented this semester. The training session will be conducted by a family law specialist this Friday from 1-3:30pm, in a location to be announced. Additional information and schedules will be provided after students have completed the training program. The program is capable of handling 50-75 students, and offers flexibility in scheduling time commitments during clinic hours.

The deadline to register for the training program was yesterday. If you are still interested, contact Nina Golden or Ed Rogan.

Congratulations to Law Review

by Kristine S. Karila
Editor-in-Chief
San Diego Law Review

Congratulations to the students named below who have been invited to write for the *San Diego Law Review* based on their ranking in the top five percent of the first-year class after Fall, 1991 semester examinations. Class rank is determined by the Records Office.

Invitations will similarly be extended to first-year students whose class rankings fall within the top 10% of their class after Spring, 1992 examinations. In addition, the annual writing competition for first-year students will take place in August. Successful competitors will also be invited to join *San Diego Law Review*. For more information please contact the Law Review Office at 260-4531.

The following students have been invited to write for the *San Diego Law Review*:

- Dustin P. Branch
- Kim Boyer
- Kathleen Brennan-de Jesus
- John M. Callahan
- Daniela Davidian
- Suzanne F. Evans
- Alexander A. Fitzpatrick
- Brendan J. Griffin
- Christian D. Humphreys
- Chan H. Lee
- Larry S. Oliver
- Scott E. Patterson
- Jeanine D. Scatena
- Marjeta D. Six
- Sharon B. Spivak
- Julie A. Vogelzang

SLIDESHOW TONIGHT

You are cordially invited to a slide show and discussion of summer foreign programs. We are inviting professors, former participants, those who have already enrolled for 1992, and people who have expressed interest, to a 45-minute program tonight, in the Grace Courtroom at USD, on the 3rd floor of the Law School, at 5pm sharp. The program will be followed by an informal reception on the 2nd floor of the Law School.

We hope you can join us.

Herbert Lazerow
Professor of Law and Director

Calender of Events

- Feb. 2-May 31 Anish Kapoor Exhibition, San Diego Museum Contemporary Art, 700 Prospect Street, La Jolla, CA, 454-3541.
- Feb. 11-16 "The Recruiting Officer" by George Farquhar, 8pm Sacred Heart Hall (USD), admission \$8, 231-1941 ext 2131.
- Feb. 12 Last day to submit bids for the Barpasser Bar Review Auction, PDP office, ext. 4969.
- Feb. 14 Last day to submit entries for the Barrister's Ball design contest, PDP office, ext. 4969.
- Feb. 21-22 "Happy Valentine Show", Marie Hitchcock Puppet Theater (near the Aerospace Center), Balboa Park, 10:30am, 1pm, and 2:30pm, admission \$1 for adults, \$1 for children
- Feb. 26 Regional Jessup Competition, Hastings School of Law
- Feb. 26 Problem for Criminal Procedure Competition distributed, Moot Court Office, ext. 4530.
- March 7-15 Spring Break
- March 8 6th Annual American Youth Hostel International Bicycle Tour, Contact the AYH Office at 338-9981 for registration information.
- April 3 Arioso Wind Quintet, 8pm, Brown Chapel, Point Loma Nazarene College, 453-4333.

Announcements

Financial Aid

The Financial Aid Forms for the 1992-93 school year are now available in the Financial Aid Office, Warren Hall Room 203. Remember that your FAF/SAAC must be on file with the College Scholarship Service by March 1 for you to be considered for priority funds (Perkins/Tuition Credit Loan, College Work Study and/or Scholarships).

The Bar Study Loan Applications are available in the Financial Aid Office. We began accepting the applications on February 1. You must declare your intention to graduate with the Records Office before your application can be processed.

If you have any questions, please contact the Financial Aid Office.

Career Seminars

Career seminars featuring USD law alumni will be in March, sponsored by the Student Relations Committee of the Law Alumni Board of Directors.

The first seminar, Career Choices, will be Tuesday, March 24. USD law alumni will speak on careers in law from large law firms, government agencies, and corporate legal counsel, to careers outside the legal profession. The second seminar, Law Clerk Training, will be Wednesday, March 25. Topics relating to law clerking will be covered.

Check your student mailboxes in early March for more information or contact Kathy Riebel in the Law Development and Alumni Relations office, Room 112 of Warren Hall.

UNIVERSITY OF SAN DIEGO 1991-92 MEN'S BASKETBALL

Nov. 7	Thu	#MARATHON OIL	7:30 pm
Nov. 17	Sun	#TRENCH, CZECHOSLOVAKIA	7:30 pm
Nov. 22	Fri	SAN DIEGO STATE (SDSA)	8:00 pm
Nov. 25	Mon	SOUTHERN METHODIST U.	7:30 pm
Nov. 29	Fri	UC SANTA BARBARA	7:30 pm
Dec. 4	Wed	Stephen F. Austin U.	7:00 pm
Dec. 6	Fri	SW Missouri State U Classic	TBA
Dec. 7	Sat	SW Missouri State U Classic	TBA
Dec. 11	Wed	CSU HAYWARD	7:30 pm
Dec. 14	Sat	San Jose State	7:30 pm
Dec. 22	Sun	CSU NORTHBRIDGE	7:30 pm
Dec. 28	Sat	LEHIGH UNIVERSITY	7:30 pm
Jan. 2	Thu	U.S. NAVAL ACADEMY	7:30 pm
Jan. 4	Sat	Arizona State University	7:30 pm
Jan. 7	Tue	University of Colorado	7:35 pm
Jan. 11	Sat	*SANTA CLARA UNIV.	7:30 pm
Jan. 17	Fri	*St. Mary's College	7:30 pm
Jan. 18	Sat	*U. of San Francisco	7:30 pm
Jan. 23	Thu	*UNIV. OF PORTLAND	7:30 pm
Jan. 25	Sat	*GONZAGA UNIVERSITY	7:30 pm
Feb. 1	Sat	*Santa Clara Univ.	7:30 pm
Feb. 7	Fri	*Loyola Marymount U.	7:30 pm
Feb. 8	Sat	*Pepperdine University	7:30 pm
Feb. 13	Thu	*PEPPERDINE UNIVERSITY	7:30 pm
Feb. 15	Sat	*LOYOLA MARYMOUNT U.	7:30 pm
Feb. 20	Thu	*Gonzaga University	7:30 pm
Feb. 22	Sat	*Univ. of Portland	7:30 pm
Feb. 27	Thu	*U. OF SAN FRANCISCO	7:30 pm
Feb. 29	Sat	*ST. MARY'S COLLEGE	7:30 pm
Mar. 7	Sat	WCC Tournament	TBA
Mar. 9	Mon	At University of Portland	

ALL HOME GAMES (IN BOLD) PLAYED AT
USD SPORTS CENTER (2,500)
* West Coast Conference game
Exhibitions (SDSA) San Diego Sports Arena



UNIVERSITY OF SAN DIEGO 1991-92 WOMEN'S BASKETBALL

Nov. 17	Sun	LATVIA WOMEN'S TEAM (Ex.)	5:15 pm
Nov. 23	Sat	SAN DIEGO STATE U	8:00 pm
Nov. 29	Fri	Hawaii Tournament	TBA
Dec. 1	Sun	Hawaii Tournament	TBA
Dec. 14	Sat	CSU Long Beach	7:30 pm
Dec. 21	Sat	UC Irvine	7:30 pm
Dec. 22	Sun	UNIVERSITY OF HAWAII	5:15 pm
Dec. 28	Sat	Stanford University	7:30 pm
Dec. 30	Mon	WEBER STATE UNIVERSITY	7:30 pm
Jan. 5	Sun	U.C.L.A.	2:00 pm
Jan. 10	Fri	University of Wyoming	7:30 pm
Jan. 11	Sat	Colorado State Univ.	7:30 pm
Jan. 17	Fri	*St. Mary's College	5:15 pm
Jan. 18	Sat	*U. of San Francisco	5:15 pm
Jan. 23	Thu	*UNIV. OF PORTLAND	5:15 pm
Jan. 25	Sat	*GONZAGA UNIVERSITY	5:15 pm
Feb. 1	Sat	*Santa Clara Univ.	5:15 pm
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Mar. 6	Fri	*SANTA CLARA UNIV.	7:30 pm
Mar. 13	Fri	WCC Tournament	TBA
Mar. 14	Sat	WCC Tournament	TBA

ALL HOME GAMES (IN BOLD) PLAYED AT
USD SPORTS CENTER (2,500)
* West Coast Conference game

FLEMING'S FUNDAMENTALS OF LAW Examination Writing Workshop

Be Prepared For Law School and the Baby Bar/Bar Examination

The Legal Examination Writing Workshop is designed to teach the student at the law school level how to Analyze, Organize and Write a Superior Law School Examination.

The course will clearly Demonstrate these fundamental Writing Techniques on a Step-by-Step Basis giving the student both a visual and cognitive understanding of proper exam format.

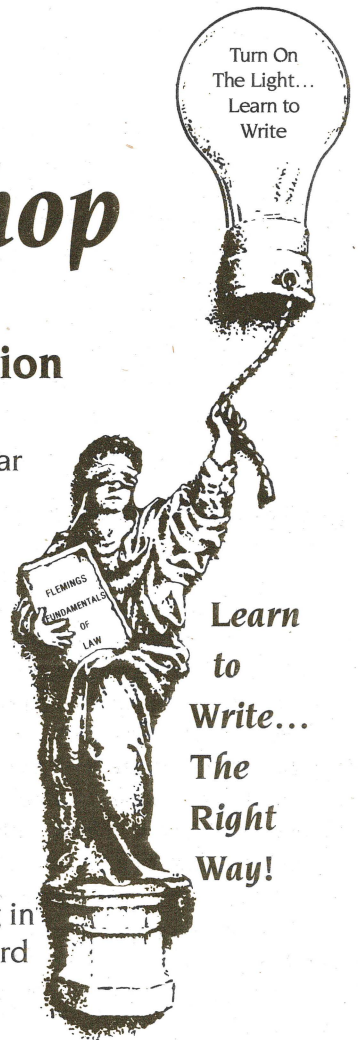
It is imperative that the student develop Proper Writing Skills during law school to avoid the panic many students experience when they discover during Baby Bar/Bar Review that they can't reverse 1-4 years of poor writing habits that went undetected during law school.

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SCHEDULE OF SEMINARS

SAN DIEGO

- Saturday, February 29, 1992 : Noon-6:00 pm
- Sunday, March 1, 1992 : Noon-6 pm
- All sessions will be given live at California Western School of Law, 350 Cedar Street, San Diego, in the Auditorium.

ORANGE COUNTY

- Saturday, March 7, 1992 : 9 am-12:30 pm, 1:30-4:00 pm
- Sunday, March 8, 1992 : 9 am-12:30 pm, 1:30-4:00 pm
- All sessions will be given live at the Anaheim Plaza Hotel, 1700 S. Harbor Blvd., Anaheim (across from Disneyland), Lanai Room (next to pool).

MILPITAS/SAN JOSE

- Saturday, March 7, 1992 : Noon-6 pm
- Sunday, March 8, 1992 : Noon-6 pm
- All sessions will be held at the Crown Sterling Suites Hotel, 901 Calaveras Boulevard, Milpitas. VIDEO PRESENTATION. Room location will be posted in the lobby.

LOS ANGELES

- Saturday, March 14, 1992 : 1:00-7:00 pm
- Sunday, March 15, 1992 : 1:00-7:00 pm
- All sessions will be given live at the Ramada Hotel, 6333 Bristol Parkway, Culver City, in the Studio Room I/II.

RIVERSIDE

- Saturday, March 21, 1992 : Noon-6 pm
- Sunday, March 22, 1992 : Noon-6 pm
- All sessions will be held at California Southern School of Law (formerly Citrus Belt), 3775 Elizabeth St., Riverside. Room number will be posted on the day of the seminar. VIDEO PRESENTATION.

ORANGE COUNTY

- Saturday, March 28, 1992 : Noon-6 pm
- Sunday, March 29, 1992 : Noon-6 pm
- All sessions will be given live at the Marriott Hotel, 2701 E. Nutwood Ave., Fullerton, University Room.

Course Lecturer for this Session Only:

PROFESSOR MARA FEIGER

Attorney at Law • Legal Education Consultant

Professor Feiger is an experienced criminal defense trial advocate currently practicing for the Public Defenders office in the County of Riverside. She is a graduate of Western State University of Law where she was the President of the Student Bar Association and earned multiple Moot Court Awards. Professor Feiger has extensive training in the Fleming method and has lectured for Fleming's Fundamentals of Law for the last three years. Her experience and training makes her uniquely qualified as a Writing Course instructor.

REGISTRATION FORM

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Students who pre-register for the Writing Course and June 1992 Baby Bar (\$75 Deposit Required)

will be given a \$40 Discount Off the Regular Writing Course Price

From the Editor's Desk:

by Mary A. Smigielski
Editor-in-Chief

This past week, two things made me pause and decide to write my first editors column. Actually, I just haven't had time until now because of all the problems left over by last year's staff. First, there was an editorial that appeared in the Villanova University School of Law newspaper, the *Docket*. Second, Matt Murphy visited our office this Saturday and expressed shock at exactly what goes into putting *Motions* together.

The editorial in the *Docket* hit home because it said exactly what I have wanted to say to the students of USD since I began this job as editor. To paraphrase and make it applicable to USD: There seems to be a misconception that *Motions* is comprised of a staff, complete with reporters and photographers. If not that, there seems to be a misconception that all we do is pick up articles from aspiring lawyers whose first love is journalism and transport them to a magical place where they turn into a newspaper.

This is not the *Daily Planet*. We don't send Clark Kent and Lois Lane to scour campus looking for breaking news and we don't have Jimmy Olsen to take pictures. Nor do we wish a stack of prose into a newspaper.

THIS IS YOUR PAPER! We are completely dependent on the law school community, students, faculty and our minuscule staff. In the issues of *Motions* that have come out this year, Laura Morton, Pam Schaffer and myself have written, contributed or researched the majority of articles. In a law school of close to 1000 students, this shouldn't happen!

If you have an opinion or want to write an article, please do so! Drop it in our box and there is a 98.752% chance that we will publish it. And that's where your responsibility ends. We do the rest. We want to know what students think and what issues they perceive as important. We can't discover it all for ourselves. I cannot tell you the number of times students have come up to me and said, "Oh, you should have done an article on this," or "Why wasn't there a picture of this?" Often that same person will spend the next five minutes describing in detail some subject they think is interesting, usually more interesting than I do. If I say, "Why don't you write an article about it," they do one of two things. They either get a puzzled look on their face and say, "Oh, I didn't think of that," or more likely, "I just don't have time. I have to study, you know."

Well, it may be news to some of you, but we have to study too. And we are also responsible for putting out a newspaper. I think we do a damn good job of it with the extremely limited resources we have to work with.

Which brings me to my second point. Matt Murphy come into our office on Saturday to help us. When we told him we were going to be in the office the entire weekend--literally--he was shocked. He was shocked because he didn't know what goes into the product students see when *Motions* comes out. So here it is:

We spend the week after our deadline tracking people down and collecting stories that were not turned in. We write articles that were promised but never delivered, check sources for accuracy, and write about events occurring after the deadline. Once we have all the articles, we make sure they are all entered accurately into the computer. Some articles are given to us on disk, but over 75% of what you see in *Motions*, we typed in ourselves.

Next, all articles must be edited. We check the grammar, spelling, content, and make sure all changes are on the computer. Once each and every article has been edited and triple checked, we are close to beginning.

From here, we ensure that we have two disks, each with exactly the same information on them, but in different forms. This, because we have two computers with different systems. (Actually, this is the first issue we are doing with two computers because SBA finally gave us the money we needed to update the second one enough to use it.)

The problem here is that we have spent the entire year trying to update our less than adequate computer system. Our computers were purchased second hand approximately six years ago. At that time, no one bothered to check that the systems could be readily updated as computer technology advanced.

For example, the aforementioned "second computer" didn't have enough memory to run a publication program. Actually, we couldn't access most of the memory it did have. Actually, when I took over the job, 97% of the memory we could access was taken up predominately with full-color porno graphics and games left over from last years staff. The "first computer" is so archaic that the most recent publication program it can run is from 1986. To use that program, we must convert every file to an old version of Wordperfect so the publication program can understand it. Considering the number of files necessary for just one issue of *Motions*, this takes an extraordinary amount of time.

Once everything is converted, it is ready to go into Pagemaker, our publications program. We do all the layout ourselves on the computer. This means that the page you are looking at, and every other page of *Motions*, looked exactly like this on a computer screen. This is no easy task because we must make sure everything fits within the page limitations; we must get everything even; we must think of headlines, ponder photo captions, and make sure the entire paper is visually pleasing and easy to read.

Speaking of photos, that's another story. Once the photos are taken, often a traumatic experience, they must be developed, reduced or enlarged and taken to be halftoned. This is the process of reducing all photos to a series of small dots to allow them to be published. We do not have the capability to do this ourselves, so all photos must be at an outside printer at least three days before we begin layout.

Once we get all these little things done, we print out sections of the pages from the computer and paste them onto layout flats. While paste-up may seem like an easy task, it is not. The pages must be perfectly aligned. In addition, because of our printer, we must go through each page and erase frequent smudges by hand. This, in and of itself, takes over two hours. I then transport the flats to a printer in Poway on Monday morning after a full weekend of work. This is the least expensive company and we must stay within our budget.

By the way, the actual publication of *Motions* is completely supported by our advertising revenue. This is what our business manager does. The only money we receive from the SBA is what little they may think is necessary for us to improve our computers despite the fact that no SBA member has ever visited our office to see how the system really works.

The printer now has the camera ready flats it needs. At this point, we consult with the printer and hope all color is done accurately. Only then does the printer turn the layouts into negatives and produce a newspaper which is delivered the next day.

So that's what happens.

Like I said, this is your paper. Without your support and cooperation, it is difficult for us to do our job. Consider *Motions* an open forum for your opinions, news, and announcements. The more diversity we have, the better *Motions* can be. Thanks for listening.

Communication Fails

by Laura G. Morton

Another weekend spent in the *Motions* office putting the newspaper together. A hard job that takes more time than most students would imagine. Yes, it is a thankless job. However, I knew this when I took on the position and I am at least lucky enough to have a wonderful editor who gives up more time than I do (if that is even possible).

However, as I sit here after so many hours with even more to go, I am furious. It took me twenty minutes to get onto campus Sunday morning, twenty minutes which I do not have to spare if I am to get this paper out on time. Why did it take so long? Because of the inability of the SBA to communicate with the undergraduate Associated Students. This past weekend, USD held its annual bike race. It is considered to be among the best in the college circuit and a lot of time and planning went into it to make it go as smoothly as possible. Unfortunately, no time and consideration was given to the law students who pay an outrageous tuition only to find that they cannot easily access the campus.

I do not blame the undergraduate students for this. I blame the leadership of the law school which gives itself kudos for the wonderful job it is doing while at the same time not seeming to take into consideration the *real* needs of the law school community.

Don't get me wrong. I am not upset about the bike race itself. What does upset me is the inordinate amount of time it took me to get on campus when a simple warning would have sufficed. Had I known the course the bike race

was going to take, I could have planned my route to school accordingly and gone a few minutes out of my way instead of being misdirected and misinformed by those in charge of traffic control.

One of the SBA President's duties is to serve as a liaison between the law school and the university. It is her duty to make sure that law students are informed of campus wide activities which may affect them. It is also her duty to ensure that the university takes into consideration the needs of the law students when planning events. This leadership was sorely lacking this past weekend.

Why weren't announcements made in law school classes to warn students of this major campus event? Why weren't fliers posted in the law school with the simple information necessary for students to plan their route to campus beforehand? And why doesn't the SBA at least attempt to communicate with the AS so that the inconvenience to law students is minimal when AS events go on?

Law students are already bogged down with the demands of rigorous schedules. They don't need the added inconvenience of trying to gain access to campus.

I hope that when other major campus events are planned, the SBA will have sense enough to inform law students. I don't know about the rest of you, but when I have to spend my entire weekend in a little room doing hours of work, the last thing I need is to waste my time sitting in my car while my blood pressure goes through the roof.

Motions

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MOTIONS reserves the right to edit all submissions for length, grammar and libelous content as well as the right to refuse publication of any submittal or advertisement deemed inappropriate by the editorial board.

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Reflections on Martin Luther King, Jr. Day: The Current State of Race Relations in the U.S.

by Robert Little

*"I have a dream that my four little children
will one day live in nation where they will
not be judged by the color of their skin but
by the content of their character.*

The Rev. Martin Luther King, Jr. (1963)

"The Founding Fathers were really fascists."
Jesse Jackson, Jr. (1992)

Race relations are indeed in a dense thicket in America. I come to this easy conclusion after reflecting on the sixty-third anniversary of Martin Luther King's birth in light of Jesse Jackson, Jr.'s address to USD law students. It is scarcely possible to conceive how the civil rights leadership came from the extraordinary leadership of Dr. King to its current morass.

Some examples:

Justice Thomas. The National Association for the Advancement of Colored People (NAACP), the most moderate civil rights organization in the country, opposed Justice Clarence Thomas's nomination to the Supreme Court even before Senate confirmation hearings were held. They voted on the issue not at the NAACP National Convention, held the week after President Bush announced the nomination (where representatives of the general membership could have publicly debated the issue), but instead the national board voted in a backroom meeting the following week. Why? Because they wanted to provide a single, unanimous opinion that the media could represent as being the "black" position on Justice Thomas in order to cast any other view as illegitimate. Indeed, when the Compton, California chapter of the NAACP voted in support of Thomas's nomination, their charter was threatened by the national board, in an autocratic attempt to enforce consistency of opinion.

Thomas was the only high court nominee in history to be opposed by the NAACP before Senate confirmation hearings. More conservative nominees--e.g., Rehnquist and Kennedy--weren't opposed until the Senate and the public heard their views. Why? Because the civil rights leadership was administering a policy of enforcing their monopoly on legitimate opinions of African-Americans. Being conservative is acceptable in a Rehnquist or a Kennedy, but for Thomas it was treason and punished more strictly as an example to Judases of the future. Free thinking comes at a price.

Polls show African-Americans supported Justice Thomas

by the same margin (two-to-one) as the public in general. Only among African-Americans did support for Thomas increase after Professor Anita Hill's testimony.

Crime. Polls show African-Americans to be tougher on crime than the general public. When civil rights leadership talks of crime, it talks of the rights of the accused and poor Willie Horton, and how the death penalty (supported by the majority of African-Americans and the majorities in every other demographic group other than death row inmates) is so unfair.

The Persian Gulf War. The civil rights leadership opposed the Gulf War. African-Americans supported it. What makes this disparity between leaders and the allegedly led interesting? It makes the civil rights leadership just like the leadership of other special interests. The AFL-CIO endorsed Mondale in 1984; most labor union members voted for President Reagan. (For that matter, eighty percent of the workers the AFL-CIO claims to represent are not members of unions.) Similarly, most gun owners think the National Rifle Association should quit whining about making assault rifles more available than condoms and start sponsoring gun safety classes and turkey shoots like the old days. Most of the executives of companies who are "represented" by the National Association of Manufacturers favor free trade principles to the same degree NAM supports the occasional protectionism.

Twenty years ago, it was frequently said that liberal democracy had fractured into "interest group liberalism" (cf. Theodore Lowi's *The End of Liberalism*, 1971) leaving governments to make decisions not on the basis of people or party but instead on an apparatus of interest group representatives and Washington lawyers and lobbyist slicksters. What's interesting now is how few of these organizations really represent anyone other than their board members.

This gotterdammerung the old leadership faces is sad. The feminist movement provides an interesting parallel. Once their leadership led masses in favor of popular ideals like equal rights. Their members dropped out with each major success (why be president of NOW when you can be Secretary of Commerce?), leaving a skeleton of bitter, aging extremists fighting for the rights of lesbians and non-issues. Does the National Organization of Women represent American women? Most women voted for President Reagan--twice--while NOW opposed him.

Similarly, the great civil rights movement of the fifties and early sixties lost focus with each success. There was plenty of work left to accomplish, but the old organizations fought without regard to the erstwhile represented. Once again, the leadership is more extreme than those represented.

On this last point, some examples from young Mr. Jackson's harangue:

--The pyramids were built by blacks, but white historians have covered up the truth. Perhaps true, but who cares? I'm prone to believe the historians and paleontologists who are bucking against this politically correct opinion and still believe that the people in Egypt were Egyptians. Academic historians don't strike me as a particularly conservative lot (they are, after all, the people who brought you PCness) and no doubt if one ran across the evidence that the Egyptians were black, he or she would dash off an article to the *Journal of History* and win eternal kudos from fellow historians. The "who-cares-other-than-historians?" response is apropos; the singular interesting progeny of this ridiculousness is that the people who claim to be the heirs of the pyramid-builders never own up to being descendants of the slaver Pharaoh.

--Any opposition to the King Holiday (Mr. Jackson here compared USD to Arizona) is "almost crypto-fascist." Although I may revel in being politically incorrect, may I distance myself from the likes of Hitler, Mussolini and Amin by saying that proper observance of the enormous contribution of Dr. King is students staying in school and learning of his benefaction instead of being the occasion for a mattress sale at Penney's (cf. every other holiday).

--American politics has become a "one party system of white males." I kind of like the way this deprives Sen. Ted Kennedy of any claim to nobility. He is, I suppose, to young Mr. Jackson, a dupe, lackey, or knave of the "Party."

--The European Community was established to exclude Africa from international business.

--Last, Mr. Jackson's presumptuous and racist comments about Justice Thomas's nameless "white wife from Georgia." Eternal damnation from the leadership for the "miscegenation" that Dr. King fought to legalize. Abortion is a "right to privacy"; marrying the "wrong kind" is treason. Now, who's progressive?

Thus the increasing irrelevance of an arrogant leadership out of touch. The result? The organizations at the head of Dr. King's great movement for mutual respect become on one hand bitter extremists and on the other hand mere salesmen for causes that come not from membership but from backrooms. Abbe de Sieyes said two centuries ago at the dawn of the French power grab: Now is the time to get more. With that as their motto, the slick lobbyists wheedle for programs and handouts and set-asides and government favors like dairy farmers while the people go about their business.

It is lamentable that a day to observe the dream of Dr. King becomes merely a soapbox for indianless chiefs. It is disgusting that the dream of brotherly love and respect has become an occasion for hate and attacks, slander and smears.

Letters to the Editor:

Letters to the editor will be published monthly. Please address all letters to Motions Editor and place them in the Motions mailbox in the mailroom next to the assignment board on the main floor of Warren Hall. All letters must be signed and include a phone number so we can contact you if necessary. Names will be withheld upon request.

Students Angry at Media Coverage of Classmate's Death

We are writing this letter in response to much of the media coverage given Friday's fatal shooting at the General Dynamics plant. The media present us with a dramatic image: Robert Mack, a working class man who was "unfairly" fired after devoting his "entire adult life" to General Dynamics, lashed back at the corporate giant by killing the "arrogant" company representative and attempting to kill his former supervisor. He was portrayed as a person pushed too far, a martyr for the legions of the unemployed, a sign of the ever difficult times.

After his arrest, Robert Mack complained that he had been singled out for harsh treatment. After shooting two people in the back of the head with a .38 caliber handgun, and being charged with the murder of James English, Mack was quoted in Saturday's *Los Angeles Times* as declaring, "What's fair is fair."

So, to the members of the media, to the union representatives who so quickly used the shooting as a platform to advance their agenda, and finally to Robert Mack himself we pose the following question; where ex-

actly is the "fairness" and "unfairness" in this story?

Is it so totally "unfair" that an undisciplined, and obviously violent worker lost his job? Was it "unfair" that Robert Mack was in the middle of a complex hearing process designed to ensure against wrongful termination?

What is truly "unfair," is that Michael Konz, a 25 year old, wonderfully bright and pleasant young man was shot and killed by a person who couldn't even show up on time for his own grievance hearing. What seems to be truly "unfair" is that James English will likely have vision problems for the rest of his life and that Robert Mack has shown absolutely no remorse for his actions. What is "unfair", is that people like William Hickey, Mack's union representative, will malign the character of a person who can no longer defend himself, and then bemoan the troubles of his "union brother" who did the shooting. What is "unfair," is that for the sake of a good story, the media will attempt to portray Konz as an "arrogant" person, suggesting not only that he somehow deserved what he got, but that somehow Robert Mack was justified in

his actions. What is truly unfair is that Michael Konz will never fully realize his dreams, and his potential will never be completely fulfilled.

In the starkest contrast to the image portrayed in Sunday's article, the Michael Konz we knew was one of the most easy going and unpretentious people you could ever hope to meet. He had a great sense of humor and an amazingly positive attitude. He handled the stress and tension of law school with grace and ease, and was quicker than most to concede a point for the sake of objectivity. He was the type of person who would help anyone who needed it before an exam, even if it could have hurt his own class ranking by doing so. He enjoyed spending time with his brothers and friends.

He was the type of person who would pick you up when the grind of law school started to get to you, and who's dry sense of humor was a godsend during those long, stressed out, pre-exam study sessions. He was the type of person who would work for nine hours, go to school for three more, and still find time to drink a beer with his friends. He liked *Star Trek*, and in a couple of weeks he

wanted to learn how to ski. He was a good student and a good friend.

Robert Mack is a killer who gunned down a young man before he even reached his prime. It is grossly irresponsible for the *Times* or anyone else to portray him as a hero. Michael Konz was a wonderful person who will be sorely missed by everyone who knew and loved him. It is even worse, to portray him as some kind of villain.

"Fairness" is very similar in definition to "justice," and our system of justice is something that Michael Konz had studied so diligently. Fair is indeed fair, and justice we pray will be done.

Rest easy Michael, we will miss you very much.

Matthew Murphy

Editor's Note: This letter was originally written as a letter to the Editor of the Los Angeles Times by Konz's evening division classmates. It was not published by the Times.

SPORTS AND THE LAW



Rugby: Can you find Greg Garrison, Kevin Fortin, and John Philpott in the scrum?



Amy Kuhnert does her best to impress visiting Dodger scouts during intramural baseball.



You, too, could be a Law Dog: Steve Kane does his best Lawrence Taylor impersonation.



Surfer God: Here, Chuck Egan attempts to combine surfing and theater by reenacting the Battle of Trafalgar with his board.



Martial arts expert Kurt Campell goes for push points as he successfully tests for his Red Belt.

